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ABSTRACT

This report examines the over-representation of Romani children in special schools for the mentally handicapped in the Czech Republic, reviewing the history of Roma in the Czech Republic, detailing problems in educating Romani children (who are segregated from non-Romani children), and discussing the inferior quality of remedial education. The report highlights abuses that occur when enrolling Romani children in special schools; how racial abuse in the regular school system traumatizes Romani children; and the impossibility of transferring to regular schools from remedial schools once students are enrolled. The report looks at other aspects affecting the human rights of Roma in the Czech Republic as they pertain to education, particularly the effect of the 1992 Act on Citizenship on the educational rights of Roma, the failure of the government to provide education for Roma, and the link between discrimination and abuse in the education system and the ability of Roma to claim other rights in the Czech Republic. The report offers a series of recommendations to the Czech government (e.g., plan and implement reforms to end ethnically segregated education and sanctioned abuse and racial harassment in the schools, particularly among teachers and administrators). (Contains 76 bibliographic references.) (SM)

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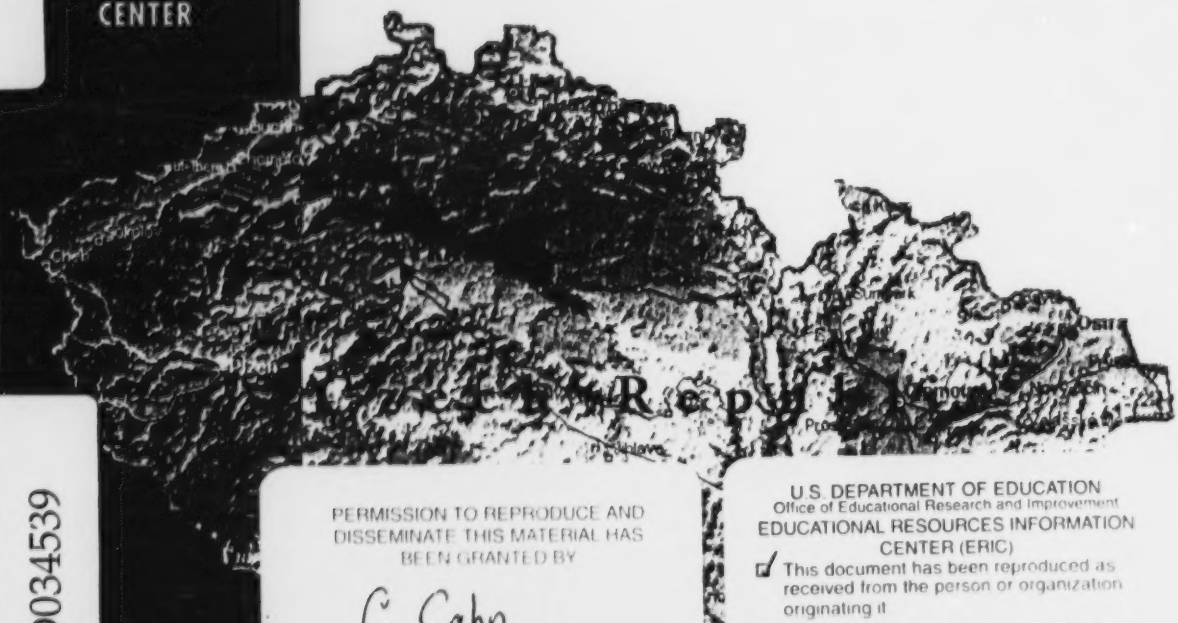
COUNTRY REPORTS SERIES NO. 8

A Special Remedy

Roma and Schools for the Mentally Handicapped in the Czech Republic

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTER



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Roma and Schools for the Mentally Handicapped in the Czech Republic

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"I was a pupil at Antošovická basic school from the first to the seventh class. I was the only Romani pupil in my class during my entire stay at this school. During the first class, the teacher suggested that I should be transferred to remedial special school. At the same time, the school also made the same recommendation about my brother. They did not inform my parents of their intentions, but straight away arranged a psychological test for both my brother and myself, at an educational psychologists' centre. My brother was tested first – and failed the test – the day before I was meant to be tested. When I told my mother, she was furious that my brother had been tested without her consent and arranged for the cancellation of my test. She made it very clear to the school that even if we failed the psychological test or were forced to repeat the same grade five times, she would still refuse transfer to a remedial special school. I believe that we managed to remain in basic school only as a consequence of my mother's insistence that we receive normal education."

Roman Bandy,
Romani basic school pupil,
May 3, 1999, Ostrava

1. INTRODUCTION: ROMA IN THE CZECH REPUBLIC

The most recent officially recorded figures for the number of Roma in the Czech Republic are those from the 1991 Czechoslovak census, which recorded 33,489 people of Romani nationality out of a total population of 10,302,215. This figure, much lower than previous ones, grossly underestimates the number of Roma in the Czech Republic.[1] The previous census, from 1980, gave 88,587 Roma, while annual records kept regionally by the National Committees *(národní výbory)* gave 107,274 individuals in 1980, rising to 145,711 by 1989. These records, however, also vastly underestimated the

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[1] The 1991 census was the first post-World War II census in which Roma were free to record their own Romaniness; previously, census takers had asked individuals to declare their nationality *(národnost)*, but "Romani" was not an acceptable answer. Roma were expected, in the most common case, to declare that they were Czech, Slovak or Hungarian, and the census-taker would make a note, not based at all on voluntary declaration, if they thought the person was "Gypsy" (see Kalibová, Kveta, "Romové z pohledu statistiky a demographie" in Socioklub: Sdružení pro podporu rozvoje teorie a praxe sociální politiky, *Problémy soužití romské minority a majoritní populace v kontextu sociální politiky*, Prague: November, 1998). In the 1991 census, the majority of Roma declared a nationality other than Romani. As historian Ctibor Nečas writes, "many Roma [...] tried to hide among other nationalities for fear of losing their citizenship." Nečas, Ctibor *Romové v České republice včera a dnes*, Olomouc: Vydavatelství Univerzity Palackého Olomouc, 1995, p.51.

All attempts to discuss and resolve issues of discrimination against Roma in the Czech Republic run into the problem of the absence of full and officially available statistics on Roma. The absence of accurate figures on the number of Roma in the Czech Republic is often justified by Czech officials with reference to the idea that it would be racist to keep records based on ethnicity or nationality, and authoritarian to determine a person's nationality for him or her. The 1997 Czech Council for Nationalities's *Report on the Situation of the Romani Community in the Czech Republic and Government Measures Assisting its Integration in Society*, for example, states: "There is no question that the civic principle does not permit, for example, official registration of Romani residents; therefore there are no precise official data available about their number and organization." (Council for Nationalities, *Report on the Situation of the Romani Community in the Czech Republic and Government Measures Assisting its Integration in Society*, introduction, official translation. The report was accepted, along with recommendations, as Resolution no. 686 of the Czech government on 29 October, 1997. Hereafter, the report is referred to as the *Council for Nationalities Report*. The Council's recommendations are reprinted as Appendix 5). Statistics have been gathered and used by Czech authorities, however, both before and after the changes of 1989. Extremely precise figures concerning employment and housing of Roma were presented by some municipalities to the Congress of Local and Regional Authorities of Europe conference in October 1997. Figures for education and health turn up in a government edict on the situation of Romani children and youth from October 1993 (Edict no. 506, 8 September 1993, with accompanying report). Further, schools denying any knowledge of who is a Rom and who is not often

real number of Roma: in accordance with the policy of assimilation, they only recorded those "citizens of Gypsy origin" who needed special "social and re-educative care" and therefore excluded Roma who chose not to declare themselves officially and who had not been marked out by public officials. The 1997 *Council for Nationalities Report* accepts "unofficial, qualified estimates" of 200,000 Roma;[2] other unofficial estimates give a Romani population of between 250,000 and 300,000, and up to 3% of the total population of the country.[3]

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turn to Romani organisations with lists of delinquent Romani students in the hope that these organisations will assist them with disciplinary problems. When the situation suits their needs, these schools evidently suddenly become aware of who is a Rom. The *Council for Nationalities Report* recognises this double standard: "In practice, the authorities sometimes keep an official register of the Romani population." (*Council of Nationalities Report*, introduction).

The Czech Republic lacks adequate legal norms protecting individuals from abuses in the collection of personal data. European norms, to which the Czech Republic aspires, are provided in European Convention 108 "for the Protection of Individuals with Regard to Automatic Processing of Personal Data". As of April 23, 1999, the Czech Republic had neither signed nor ratified the Convention. The collection of personal data by authorities, absent transparency concerning the identity of the controller, the purpose of collection and use of the data, the data categories and the recipients of the data, as well as access by the individual to review, rectify and/or erase data, is in contravention of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which guarantees the right of the individual to respect for private and family life. The Czech and Slovak Federation acceded to the ECHR on March 18, 1992 and the Convention entered into force in the Czech Republic on January 1, 1993. Present Czech practice additionally violates the right to privacy as enshrined in Article 17(1) and 17(2) of the International Convenant on Civil and Political Rights, which entered into force in the Czech Republic on January 1, 1993. According to Article 10 of the Czech Constitution, international law has the status of domestic law in Czech courts. Article 10 states, "The ratified and promulgated international treaties on human rights and fundamental freedoms, by which the Czech Republic is bound, shall be applicable directly as binding regulations, having priority before the law" (official translation).

At present, a double standard reins in the Czech Republic in which Roma lose: on the one hand, Czech authorities gather and use data on Roma, violating their right to privacy. At the same time, authorities deny the existence of such data, effectively crippling Romani activists from statistically demonstrating patterns of discrimination against Roma.

2 *Council for Nationalities Report*, 6.

3 These figures were quoted independently by the non-governmental organisations *ROI (Romani Civic Initiative)*, *Nadace Nová Škola (New School Foundation)* and the *Fund for Hope and Understanding*. See also Research Directorate of Immigration and Refugee Board, "Roma in the Czech Republic: Education", Ottawa, Canada, December 1997.

Roma in the Czech Republic tend to be poorer than non-Romani Czechs and are more likely to be unemployed. When full employment policies came to an end following the collapse of Communism in 1989, Roma were the first to lose their jobs. The *Council for Nationalities Report* estimates that the rate of unemployment among Roma in the Czech Republic is 70%, rising to 90% in some areas.[4] At the time the report was published, the overall unemployment rate in the Czech Republic was below 5% and since then it has never risen higher than 10%.

Roma in the Czech Republic live in general exclusion from the opportunities enjoyed by the majority community. Isolated from the institutions of mainstream society, Czech Roma face discrimination in access to employment, benefits and housing, and experience day-to-day segregation as they are excluded from restaurants, swimming pools, discotheques and other public places. A horrific pattern of racially motivated violence specifically targeting Roma has followed the end of Communism, a wave of terror including numerous racially motivated killings.[5] Anti-Romani sentiment is

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[4] *Council for Nationalities Report*, 7.2.

[5] On post-1989 racially motivated crime and the failure of state protection in the Czech Republic, see especially, European Roma Rights Center, "Written Comments of the European Roma Rights Center Concerning the Czech Republic for Consideration by the Committee on the Elimination of Racial Discrimination at its Fifty-second Session, 6-9 March, 1998"; European Roma Rights Center, "Letter to the Council of Europe", August 6, 1997; European Roma Rights Center, "Statement of the European Roma Rights Center on the Occasion of the Acceptance of the Czech Republic, Hungary and Poland into NATO", July 10, 1997, as well as regular reports in the quarterly *Roma Rights*. The above-mentioned documents are on the *ERRC* Internet website at **http://errc.org**. See also monitoring reports by the Prague-based non-governmental organisation *Hnutí občanské solidarity a tolerance* (Movement for Civic Solidarity and Tolerance) published in the bi-monthly newsletter *Most*; Human Rights Watch/Helsinki *Roma in the Czech Republic: Foreigners in Their Own Land*, Vol. 8, No. 11(D), New York, June 1996; Research Directorate, Immigration and Refugee Board of Canada, "Roma in the Czech Republic: State Protection", Ottawa, Canada, November 1997; Helsinki Watch, *Struggling for Ethnic Identity: Czechoslovakia's Endangered Gypsies*, Human Rights Watch, 1991. For Czech government reporting on racially motivated crime and its actions to combat it, see Ministerstvo vnitra, *Zpráva o postupu státních orgánů při postihu trestných činů motivovaných rasismem a xenofobií nebo páchaných příslušníci extremistických skupin*, Prague, Čj.: OŘ-1432/20-A-97, Prague: December 12, 1997; Czech government report to the Committee for the Elimination of Racial Discrimination, 17 July 1997 State Party Report of the Czech Republic, CERD/C/289/Add.1. Recent indications of the Czech government's response to the problem of racially motivated crime in the country appeared in a comprehensive document on the Czech government Internet website dated March 2, 1999, entitled "Report of the Government on the State of Czech Society". Under Part 2, the section concerned in part with internal security and measures by police and judicial organs, no mention whatsoever is made of racially motivated crime or government activities aimed at its prevention. "Racial conflict" is mentioned only among a list of other items in a shopping list of "security

presently very strong.[6] The concerns of Roma are met by an often uncomprehending, or explicitly hostile, public.

Fundamental to the exclusion of Roma in the Czech Republic is an effectively segregated education system which prevents contact between Roma and non-Roma from childhood. The nexus of this segregation is the existence of a network of so-called remedial special schools *(zvláštní školy)* – schools for mentally handicapped children.[7] Romani children are disproportionately placed in such schools because they underperform in tasks designed for majority Czechs, and because of the racist attitudes of schooling authorities. As a result of centuries of discriminatory and degrading treatment at the hands of authorities, some Romani parents co-operate in placing their children in remedial special schools or, in a scenario decried by many Roma and non-Roma, request that their children be placed there.

According to reasonable estimates, Roma are at least fifteen times more likely to be placed in remedial special schools than non-Roma. A student who has completed remedial special school has greatly restricted choices in secondary education compared to a student who has completed mainstream primary school. Romani children are thereby effectively condemned from an early age to a lifetime of diminished opportunity and self-respect. In addition, the segregation of Roma in inferior schools is used as constant legitimation for discriminatory attitudes and actions by members of the majority society.

Roma are systematically undereducated in the Czech Republic. Ms Helena Balabánová, Director of the Přemysl Pitter Parochial School, a school with an explicitly Roma-oriented

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risks with an international dimension". The report goes on to make the nonsensical claim, "From the year 1998, the government has distributed the risk of racial conflicts to criminal acts with an extremist subtext, this means above all racially motivated attacks, the propagation of fascism and other anti-constitutional ideologies" (see http://www.vlada.cz/vlada/tiskove/dokumenty/stavspol/oddil2.win.htm) unofficial translation by the *ERRC*.

6 For recent figures on racism, xenophobia and anti-Romani sentiment in the Czech Republic, see Institut pro výzkum veřejného mínění, "K národnostní a rasové nesnášenlivosti", Prague, February 2, 1999.

7 The international community of advocates for the rights of people with physical disabilities and learning disabilities has objected frequently to the term "handicapped", which many regard as pejorative. When the term is used in this report, the aim is to reflect the designation made by the Czech education system itself, and the prejudice that Romani and other children so designated face in that system. Elsewhere in the report, the term "children with learning disabilities" is preferred. Where persons interviewed or official documents have used alternative terminology, these have been preserved and translated faithfully.

curriculum, estimates that there are approximately 67,000 Roma between the age of four and eighteen in the Czech Republic.[8] According to census data, the proportion of Roma aged 15 or over who had achieved full secondary education in 1991 was 1.2% of the Romani population over the age of 15, compared to 80.3% for the Czech population of the same age group. This official figure was slightly lower than the percentage calculated for 1980, when it was 1.4%. The proportion of Romani children who had only a primary level education or less was 88.5% in 1980 and 83.9% in 1991, compared to 19.7% for the population as a whole. The number of Roma receiving university education is too numerically insignificant to be registered in percentage figures, as compared with 9.4% for the population as a whole in 1991.[9] Concern about the education of Romani children in the Czech Republic is shared by Romani organisations, governmental and inter-governmental bodies and by international human rights monitors.[10]

This report will not address the problem of over-representation of Roma in institutions designed to address social rather than educational problems, although Roma are over-represented in such institutions.[11] The report does not imply that remedial special school

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[8] Written statement to the *ERRC* from Ms Helena Balabánová, May 3, 1999, Ostrava.

[9] Figures taken from the 1991 and 1980 censuses in Czech government report to the Committee for the Elimination of Racial Discrimination, 17 July 1997 State Party Report of the Czech Republic, CERD/C/289/Add.1; Srp, Vladimir, "Romové v Československu podle sčítání lidu 1991" in *Demografie*, no. 35, 1993, p. 282; Nečas, Ctibor, *Romové v České republice včera a dnes*, Olomouc: Vydavatelství Univerzity Palackého Olomouc, 1995, p.53, and in Kamenická, Veronika, "Etnická minorita Romové a školní vzdělání", Unpublished dissertation, Charles University, Prague 1996, p.8. Figures in this paragraph are necessarily incomplete, since the Czech government presented incoherent data to the CERD.

[10] See, for example, Committee on the Elimination of Racial Discrimination, "Concluding Observations on the Czech Republic", 19 March 1998, Paragraphs 12 and 13; European Commission against Racism and Intolerance (ECRI), *ECRI's Country-by-Country Approach*, Volume I, 1997, pp.13-19; UNHCR, "Guidelines Relating to the Eligibility of Czech Roma Asylum Seekers", February 1998, Paragraphs 5 and 6; U.S. Department of State, "The Czech Republic Country Report on Human Rights Practices for 1996", January 30, 1997, Section 5.

[11] There are two main types of institution for school-age children with social problems or coming from families with social problems: children's homes *(dětské domovy)* and instruction centres for youth *(výchovné ústavy pro mládež)*. Children's homes, which are mainly for children aged 6-18, although a few are for 3-6-year-olds, receive children after a court decision based on the quality of home care available to them. Previously it was possible for municipal authorities to place a child in a home on the basis of a preliminary decision. The name of these institutions is often misleadingly translated as "orphanages". In fact, most

educators are professionally inadequate as a group. Many Romani children in remedial special schools receive instruction from staff sympathetic to the Romani community and experienced in special-needs education. Many such educators have been invaluable and willing collaborators in the writing of this report. The same can be said of other individuals involved in special education, from psychologists at educational psychologists' offices to officials at the Ministry of Education. One of the "special" features of the remedial special school is that so many competent and committed people are working with Roma in a system which turns out an underconfident, underachieving and isolated Romani youth.

This report is structured as follows: following a brief introduction to the history of Roma in the Czech lands, the problem of the overrepresentation of Romani children in remedial special schools for the mentally handicapped is presented in detail. Next, the report discusses the inferior quality of remedial special school education. The next sections of the report are divided into three chapters which show: the numerous abuses which take place in the enrollment of Romani children in remedial special schools; racist abuse in the regular basic school system as the source of traumatised Romani children; and the impossibility of transfer to a normal basic school from a remedial special school once a pupil has been enrolled there. The report then goes on to look at other aspects affecting the human rights situation of Roma in the Czech Republic as it pertains to the education system, most notably: the effect of the 1992 Act on Citizenship on the educational rights of Roma; the failure of the government to provide minority education for Roma; and the link between discrimination and abuse in the education system and the ability of Roma to claim other rights in the Czech Republic. The report concludes with a series of recommendations to the Czech government.

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children there have living parents, who often still have legal guardianship over the child. Romani literature in the Czech Republic contains repeated images of the social worker who visits Romani families to steal their children (see, for example, Ilona Ferková, *Čorde čhave/Ukradené děti*, Brno: Společenství Romů na Moravě, 1996, a book of short stories the title of which means "stolen children"). Instruction centres for youth also receive children on the basis of a court decision, usually in connection with a criminal process. They exist for teenagers aged 15-18, and are used by courts as alternatives to prison sentences or fines. Romani children are severely over-represented in both of these types of institution. According to the *Fund for Threatened Children*, "Romani children now make up [...] depending upon the type of institution, between 30% and 60%. In instruction centres, the figure may be as high as 90%" [*Ohrožené děti*, Newsletter of the Fund for Threatened Children No.1/1996, Prague, July 1996, p.4]. Precise figures are not available. Authorities often place children in institutional centres without delimiting a period of time, so a 15-year-old placed in one can expect to be there until he or she is 18. A high proportion of Romani offenders aged 15-18 presently receive long terms in institutions while their non-Romani contemporaries are far more likely to receive halved, and often suspended, sentences.

The concern of this study is to show that Roma are treated unjustly by the Czech education system. It is not the intention of this report to stigmatise people with learning disabilities, nor to support existing arrangements for the treatment of disabled children. The difficulties faced by Roma in the Czech education system are continuous in many ways with those faced by any student who deviates from an average and whose needs are therefore in some way different. Roma are not the only students suffering from exclusion in the Czech education system. Nonetheless, discrimination based upon ethnicity is a different category from discrimination based upon learning needs. Coupled with the complex of discrimination suffered by the Romani community as a whole, racial discrimination against Roma forces itself to the front of a line of other concerns plaguing the Czech education system.

2. ROMA AND SCHOOLING IN BOHEMIA, MORAVIA AND SILESIA[12]

The educational situation of Roma in today's Czech Republic has not arisen overnight: it is the result of centuries of exclusion and decades of clumsy legislation which attempted first to assimilate Roma, then dealt with the failure of this attempt by pushing Roma out of the mainstream and into remedial special education and unequal opportunity.

The first known mention of Roma in the Czech lands is a chronicle from the year 1416, which documents the entry of approximately three hundred Romani men, women and children. To the extent that historical records exist at all, they indicate that until the eighteenth century, relations between Roma and non-Roma took place primarily through the latter inflicting gruesome punishment on the former.[13] Modern educational issues pertaining to Roma first arose in the eighteenth century, during efforts to build a modern state under Habsburg Empress Marie Theresa. In 1761, the first edict ordering the forced settlement of Roma in the Habsburg realm was issued, and the first settlements on the territory of today's Czech Republic followed in 1785, in the southern Moravian localities of Dzbel, Jamné, Okrouhlá, Bohusoudov and Oslavany.[14] Compulsory universal basic schooling was introduced to the Habsburg realm in 1777, although until the 20th century this did not apply in practice to Roma who had not first been kidnapped from Romani families by the state and placed in non-Romani ones.

After centuries of oppressive legislation and practice, Roma were to be disappointed by the Czechoslovak First Republic, whose much-publicised democratic progressiveness did

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[12] The Czech Republic is comprised of the historical territories of Bohemia, Moravia and part of Silesia.

[13] Romani history is hampered by the dearth of Romani community records. Prominent works tend to be written largely on the basis of non-Romani sources such as administrative records, although these tend to reveal a picture of Roma as existing only when arrested or sentenced for a crime.

[14] See Nečas, Ctibor, *Historický Kalendář: Dějiny českých Romů v datech,* Olomouc: Vydavatelství Univerzity Palackého, 1997, especially pp.29-50. Assimilatory measures were elaborated in a 1767 decree valid for Hungary: in an effort to convert them into "New Hungarians", Roma were forbidden from sleeping in tents or in the open; travelling without identification; speaking Romani and wearing traditional Romani clothing; and having their own leaders. Men could only marry if they could demonstrate that they were employed and Catholic. The state was authorised to seize the children of Roma not officially married and to place them in non-Romani families, where "improved upbringing to craft or agricultural work was ensured." Officially abducted Romani children were forbidden contact with their biological families, as well as with other Roma.

not extend to its dealings with Roma; in 1927 the Law on Vagrant Gypsies was passed and a Decree *(nařízení)* on the same subject followed in 1928.[15] The law limited the rights of Roma in several ways: by requiring them to obtain and hold a "Gypsy Identity Card" *(Cikánská legitimace)* and a "Travellers' Permit" *(Kočovnický list)*; by restricting the rights of Roma to move freely and to associate freely; by providing for the removal of children who are not "appropriately cared for" to foster families or institutes. The law did not, however, oblige communes to ensure the education of legally travelling Roma. The state provided for Romani children only as a reward for being severed from their ethnic identity.

Virtually the entire Romani population on the territory of the Czech Republic was exterminated during World War II;[16] the great majority of Roma living in the Czech Republic today are either migrants or descendants of migrants since 1945 from what was the Slovak part of Czechoslovakia. These "Slovak Roma" migrated either voluntarily or, increasingly, compulsorily, from long-term settled communities in Slovakia, where the first language had usually been Romani; in the Czech lands they were exposed to a different social environment and were subjected to assimilatory pressure, with extended family structure and traditional trades partly lost as Roma were proletarianised in the industrial areas of Bohemia, Moravia and Silesia. Despite a nearly 600-year history on the territory of the present-day Czech Republic, Roma today are treated as unwelcome foreigners.

The practice of placing Romani children in schools for mentally handicapped children in the Czech Republic appears to have begun shortly after World War II. The new Czechoslovak Communist government dealt with Roma in two main stages. First, in 1958,

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[15] See Law no. 117/1927, "Zákon o potulných cikánech", dated July 14, 1927; also accompanying Decree no. 28/1928, dated April 26, 1928. For an assessment of both, see Ctibor Nečas, *Romové v České republice včera a dnes*, Olomouc: Vydavatelství Univerzity Palackého Olomouc, 1995, pp.31-33.

[16] On the Romani Holocaust generally and the Romani Holocaust in the Czech lands in particular, see Daniel, Bartoloměj, *Dějiny Romů; Vybrané kapitoly z dějin Romů v západní Evropě, v Českých zemích a na Slovensku*, Olomouc: Univerzita Palackého v Olomouci, 1994, especially pp. 125-135; Holý, Dušan and Ctibor Nečas, *Žalující píseň: o osudu Romů v nacistických koncentračních táborech*, Strážnice: Ústav lidové kultury, 1993; Kenrick, Donald and Grattan Puxon, *Gypsies Under the Swastika*, Hertfordshire: Gypsy Research Centre, University of Hertfordshire Press, 1995, especially pp.49-72; Kladivová, Vlasta, *Konečná stanice Auschwitz-Birkenau*, Olomouc: Univerzita Palackého v Olomouci, 1994; Müller-Hill, Benno, *Todliche Wissenschaft; die Aussonderung von Juden, Zigeunern und Geisteskranken, 1933-1945*, Hamburg: Rowohlt Verlag, 1984, especially pp.42-68; Nečas, Ctibor, *Nemůžeme zapomenout/Nalt'i Bisteras: Nucená táborová koncentrace ve vyprávěních romských pamětníků*, Olomouc: Univerzita Palackého v Olomouci, 1994; Pape, Markus, *A nikdo Vám nebude věřit; dokument o koncentračním táboře Lety u Písku*, Prague: Nakladatelství GplusG, 1997.

the Law on the Permanent Settling of Nomadic Individuals[17] obliged local councils to offer help to make "regular working citizens" out of these individuals, and imposed prison sentences upon anyone who insisted on continuing with a nomadic lifestyle in the face of such "help". In practice, while the law made no specific reference to Gypsies/Roma, and while the great majority of Roma in Czechoslovakia were not nomadic, the law was often used as an excuse forcibly to relocate Roma, whatever their lifestyle.[18] Then, in 1965, the Ordinance on Provisions for the Solution of Questions of the Gypsy Population[19] attempted to deal with "undesirable concentrations of Gypsies", particularly aiming to break down settlements *(osady)* in Slovakia and to move their inhabitants to the Czech lands.

These two political moves had a serious impact on social structures within the Romani community and were not matched by adequate guarantees of state support. In particular, the 1958 law does not even register the educational needs of newly resettled Romani children, while the 1965 ordinance can only repeat weakly, three times, that "more attention" should be devoted to Romani children. There was no respect for the Romani identity and, in general, laws directly and indirectly concerning Roma set out from the assumption that they are ill-adapted Czechoslovaks; the 1958 law, for example, while nominally dealing with nomadism, sets the tone for forced assimilation more generally.

In the late 1970s, commenting on the situation of Roma, the dissident group Charter 77 pointed out that "the majority of people know practically nothing about the problems of this most discriminated minority." Commenting on education, the Charter 77 document claims that "the failure of Romani pupils in Czech and Slovak schools is often solved by their transfer to remedial special schools for children with below-average intelligence."[20] According to the Charter 77 document, however, the failure of Romani children in Czech schools was the direct result of the failure of the Czech system to provide schools appropriate to the needs and respectful of the cultural identity of Romani children:

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[17] "Zákon o trvalém usídlení kočujících osob", no. 74/1958, dated October 17, 1958. On the history of forced settlement, see also Crowe, David M., *A History of the Gypsies of Eastern Europe and Russia,* London: I.B. Tauris Publishers, 1995, pp. 56-57; Guy, Will, "Ways of looking at Roma: The Case of Czechoslovakia" in Tong, Diane ed., Gypsies: *An Interdisciplinary Reader,* New York: Garland Publishers, Inc., 1998, pp.13-68.

[18] Kamenická, *Op. cit.,* p. 19.

[19] "Usnesení vlády ČSSR o opatřeních k řešení otázek cikánského obyvatelstva", no. 502, October 13, 1965.

[20] Quoted in Nečas, 1995, *Op. cit.,* p.87.

> Everything, from the pictures in their spelling-primers to the entirety of the curriculum, continually forces upon them the idea that they are a foreign, inferior race without a language, without a past and without a face.[21]

Romani children were punished if they spoke the Romani language at school. When progress was made, as in kindergarten attendance or rates of school completion in the 1970s, this was, therefore, at the cost of assimilation.

Statistical evidence from 1970 shows that the proportion of Roma aged between 25 and 29 with complete secondary education was well below one percent. Comprehensive statistical evidence documenting the numbers of Roma receiving primary education in a school for the mentally handicapped is available from the early 1970s until 1990. During that period, there was a dramatic increase of Roma in special schools. By the mid-1980s, almost every second Romani child attended a special school.[22]

After 1989, a new and democratic government in the line of Charter 77 took power, and Roma participated from the first in the process of political and social redefinition. However, as Dr. Hana Šebková wrote, "Roma themselves expected many things as a result of the changes, but the majority of their desires have not been fulfilled."[23] In 1992, *Human Rights Watch* reported that:

> The level of education of Romanies [was] still markedly below that of the majority population due to discriminatory educational policies practiced during the communist regime.[24]

The *Human Rights Watch* report was written at a time of optimism about political change. But in education, as in other areas, the new government failed to ensure equal opportunity for Roma and in 1996 *Human Rights Watch/Helsinki* was forced to conclude, along with

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[21] *Ibid.*

[22] See Čaněk, David, "Ethnic Minorities in Czech Schools, 1945-1998", London: MacMillan, publication forthcoming. Statistics on Roma in remedial special schools and basic schools in the Czech Republic in the period 1972-1990 are provided as Appendix 1.

[23] Šebková, Hana, *Jazyková situace Romů a její vývoj*, Prague: Občanské sdružení MENT, 1995.

[24] Helsinki Watch, 1992, *Op. cit.*, p.37.

Romani activists, social workers and an official at the Ministry of Education, that "the situation with [remedial] special schools ha[d] not improved much in recent years."[25]

Throughout the 1990s, human rights groups and international monitors appealed to the Czech government to act to counter the alarming situation of Roma in the country. The government in power from 1992-1997 under Prime Minister Václáv Klaus, however, did not respond effectively to the problem.

A historical accident occurring in mid-summer and early autumn of 1997 pushed the human rights situation of Roma in the Czech Republic to the forefront of international concern. Hundreds of Roma, despairing of their situation at home, fled the Czech Republic and attempted to claim asylum, first in Canada, and then, when visas were reimposed on Czech citizens travelling to that country, in the United Kingdom.[26] Falling in the middle of, first of all, preparations for Czech accession to the European Union and, secondly, implementation of Dublin Convention provisions on freedom of movement for EU citizens, the media scandal surrounding the so-called "exodus" of Roma from the Czech Republic threatened to alter the time-frame and scheme of European Union expansion. Under pressure, finally, to respond to a wave of racism and racist violence which non-governmental bodies had been decrying for years, on October 29, 1997, the Czech Government issued a resolution accepting the Council for Nationalities's *Report on the Situation of the Romani Community in the Czech Republic and Government Measures Assisting its Integration in Society* along with its forty-four recommendations,

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[25] Human Rights Watch/Helsinki, *Roma in the Czech Republic: Foreigners in Their Own Land*, Vol. 8, No. 11(D), June 1996, p.15.

[26] Although Romani "nomadism" is romantic fiction, Roma have migrated in Europe, especially following expulsion, since at least the fifteenth century. Periodic movements from, especially, Eastern Europe to Western Europe and the Americas became typical as overseas routes expanded. In 1996, the European Committee on Migration concluded, "Romani migration westwards [...] show[s] some particular features and patterns. First, it is primarily a migration of families and extended families, rather than individuals. Second, it is promoted by community-internal features, notably a strong attitude of non-confidence and non-identification with the majority and its institutions in the respective countries of origin. This attitude encourages Roma to take the risks of migration as a response to personal insecurity and social and economic hardships rather than engage in collective processes of change. Finally, there are strong external features triggering Romani migration, such as organised and repeated hostilities, single acts of violence, particular vulnerability in war zones or former war zones, or change of status due to the emergence of new states or new citizenship provisions." European Committee on Migration, "Problems Arising in Connection with the International Mobility of the Roma in Europe", report by Dr Yaron Matras, Conclusions adopted by the European Committee on Migration (CDMG) at its 36th meeting (April 1997), pt.51.

eleven of which were addressed to the Ministry of Education.[27] On November 1, a Romani co-ordinator was appointed at the Ministry, with the task of supervising the implementation of government recommendations. Recent publications by the government indicate that although it has changed twice since the Resolution was adopted, it remains committed to policies aimed at integrating Roma.[28]

The government collapsed amid political and economic scandals shortly after the adoption of the *Council for Nationalities Report* and a caretaker government was established until elections could be held in May 1998. Minister without Portfolio Vladimír Mlynář was put in charge of the Inter-ministerial Commission for Roma Community Affairs and therefore of Roma issues. Speaking in a radio broadcast in December 1997, Minister Mlynář set his priorities for his five month term: first of all, the pig farm standing on the site of a World War II concentration camp for Roma in the town of Lety near Písek would be torn down; secondly, information on Roma would become a part of the school curriculum; third, avenues would be made available so that complaints concerning discrimination in the sphere of employment could achieve speedy review and remedy. At the end of his tenure in mid-1998, all points of the programme remained unfulfilled. On April 8, 1999, *Radio Prague* reported that the government had rejected a proposal to remove the pig farm from the site of the Lety concentration camp.

In August 1998, the newly-elected Social Democrat-led government issued its "Policy Statement of the Government of the Czech Republic", which included the statement:

> The Government will promote the enforcement of rights of national and ethnic minorities. It shall follow the consistent observation and enforcement of commitments and obligations ensuing from the Charter of Fundamental Rights and Freedoms and especially from the Framework Agreement on the Protection of Ethnic Minorities. It shall therefore devote attention to all ethnic groups living in the Czech Republic, although the most serious, and undoubtedly most complex, issue is, in the Government's view, the coexistence of a part of the majority society

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[27] See Appendix 6 for the full text of the government resolution adopting the Council's recommendations.

[28] The "Report of the Government on the State of Czech Society" states, "The government regards the continuing discrimination against Roma as a fundamental problem of daily life (especially in services), above all the growth of racially motivated criminal acts, verbal as well as violent. It has therefore accepted a number of measures leading to consistent and stringent effects, as well as to strengthening prevention in this area." (Government of the Czech Republic, "Report of the Government on the State of Czech Society", http://www.vlada.cz/vlada/tiskove/dokumenty/stavspol/oddil2.win.htm, unofficial translation by the *ERRC*).

with the Romany minority. The Government considers the Romany community a natural component of Czech society. The civic principle, as the basis for the solution of this problem, will be complemented by specific programmes designed for the Romany minority in those cases where the hitherto existing handicaps cannot be overcome by measures aimed at the society as a whole. The Government shall prepare programmes to improve information about the Roma among the Czech public and to enhance the education of the Roma. During the solution of these issues it intends to cooperate with the broad Romany community.

The Government considers the right to the protection of life, property and health from perpetrators of criminal offences an indispensable component of fundamental human rights and shall therefore be resolute in its confrontation of all forms of criminal activity irrespective of the position or origin of the perpetrator. In the implementation of legal as well as factual protection against racial discrimination and other racially motivated acts it will promote the application of not only criminal prosecution of particularly dangerous attacks according to the provisions of the criminal code in effect but also of administrative means of protection against discrimination. The Government is determined to consistently meet all its obligations ensuing from the International Convention on the Elimination of All Forms of Racial Discrimination and enforce their observation. It will prefer prevention and various social and cultural programmes designated not only for the Roma but also for other ethnic groups of the population. It will stand resolutely and consistently against xenophobia, cultural and social intolerance and any demonstrations of racism. It shall also ensure that state bodies take consistent repressive steps against perpetrators of racially motivated offences.[29]

Section 4.3.2. of the government Policy Statement, devoted to education, contains no mention of Roma.

On December 9, 1998, the government also established a Council of the Government of the Czech Republic on Human Rights with a wide sphere of interest and limited powers responsible to the deputy prime minister. The Council was placed under the personal direction of ex-dissident Petr Uhl. Mr Uhl was also made chair of the Inter-ministerial Commission for Roma Community Affairs.

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[29] Czech Government, "Policy Statement of the Government of the Czech Republic", Prague: August 1998, http://www.vlada.cz/vlada/dokumenty/prohlas.eng.htm., official translation.

3. ROMA IN REMEDIAL SPECIAL SCHOOLS IN THE CZECH REPUBLIC

Figures for the allocation of Roma to remedial special schools are difficult to obtain.[30] The most recent full official information is provided in a report from January 1991, prepared by Jitka Gjuričová and other members of a working group for the Federal Ministry of Work and Social Affairs in Prague.[31] Unlike census sources, which deal with the level of education reached by the whole adult population, this information covers those students currently at school, in this case, the school year 1989-1990, the last such records kept which include ethnicity. Of 1,289,766 pupils in classes 1-9 of primary school, 28,872 (2.2%) were Roma. According to the same report, 46.4% of Romani children are in remedial special schools, compared with only 3.2% of non-Romani children; a Romani child is therefore approximately fifteen times more likely to have been judged to have "intellectual deficiencies".[32] While these figures are now nine years old, no one interviewed during *ERRC* research in the Czech Republic considered that the proportion of Roma in remedial special schools had decreased since 1990.

There does exist another, more up-to-date, source of information about Roma in Czech schools: the Institute for Information on Education publishes a yearbook of statistics on

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[30] The problem of receiving accurate statistical data on Roma in the Czech Republic was mentioned above. Beginning in late 1998, Czech authorities changed approach from absolute denial of the existence of statistics on Roma in schools, to the reluctant transmission of statistical information so incoherent and fragmentary as to mask the extent of the problem. The Ministry of Education, for example, provided the *ERRC* on December 22, 1998, with a table current to September 30, 1998. Along the vertical column of this two-page document are school districts and along the horizontal axis the numbers one to twenty one. Not all of the columns contain numbers. At the bottom of the second page of these figures is a key which unfortunately does not explain the data provided. The *ERRC* managed to gather data from over eighty basic and special school directors concerning the numbers and distribution of Romani children in individual schools, primarily in the Ostrava area, where the *ERRC* conducted extensive research. In most cases, these did not have to be prepared for the *ERRC* but were already on file.

[31] "Návrh zásad státní politiky společenského vzestupu romského obyvatelstva v ČSFR.", written by a working group of the Federal Ministry of Work and Social Affairs, č. jed. F33-25653-7121, Prague, January 14, 1991. Quoted in Nečas, *Op. cit.*, p.54.

[32] In addition, according to the same report, Romani children are thirty times more likely not to have reached the end of the ninth class by the end of their nine years of compulsory school attendance, having had to resit one or more years on the way.

the Czech education system, of which the most recent covers the school year to 1997.[33] Of 1,149,609 pupils in primary education, 48,473 are in special schools, giving an overall proportion of only 4.2% of primary-aged children in special schools. The yearbook also contains records of pupils by "nationality", based upon declarations made at the time of school registration: according to these figures, there are 1529 Roma in primary education. While this figure, based on voluntary declaration, is judged by many experts to be 20-30 times less than the true number of Roma at primary schools, the pattern is revealing: 956 of those 1529 Romani children, 62.5%, are in special schools. Compared with the 4.2% figure for the general population, Romani children are again shown to be fifteen times more likely to be in special schools than the national average.

This conclusion is also supported by empirical evidence confirming that more than half the pupils in many remedial special schools are Romani. For example, intensive *ERRC* research in the northeastern city of Ostrava, the Czech Republic's third largest city, revealed the following portrait of Roma in remedial special schools: there are eighty-one state primary schools in Ostrava. These comprise 70 normal basic schools, eight remedial special schools, one auxiliary school for children with more severe learning disabilities *(pomocná škola)*, one school for hearing-impaired children, and one school for physically handicapped children.[34]

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[33] Ústav pro informace ve vzdělávání, *Statistická ročenka školství 1996/97*. The following information is taken from tables on pp. C-5, C-45 and F-11.

[34] The picture is somewhat complicated by the fact that of the eight remedial special schools, only five are simple remedial special schools: the Halasova/Erbenova remedial special school in Vítkovice, the Ibsenova remedial special school in Moravská Ostrava, the Karasova remedial special school in Mariánské Hory, the Těšinská remedial special school in Slezská Ostrava, and the U Haldy remedial special school in the Hrabůvka neighbourhood. One of the other three schools, the Na Vizině remedial special school in Slezská Ostrava, is a remedial special boarding school *(Zvláštní škola internátní)* and includes normal day students, remedial special boarding school students and pupils who have been removed from their parents' care by court order. Another school, the Kapitána Vajdy school in the Zábřeh neighbourhood, is actually not called a remedial special school at all, but rather a "special school and special schooling facility for mentally handicapped children" *(Speciální škola a speciální školská zařízení pro mentálně postižené žáky)*, because its facilities comprise a remedial special school, an auxiliary school, a preparatory level *(přípravný stupeň)* for the auxiliary school and a practical school *(praktická škola)* for pupils who have completed the nine compulsory years of primary schooling. The Čkvalovova school in Poruba, on the other hand, is called a remedial special school, but admits, according to its headmistress, "children with mental disability [...], children who are, at the same time, physically disabled, as well as children with impaired speech, and hearing impaired pupils," (written statement from the Čkvalovova remedial special school, January 28, 1999).

In January 1999, there were 136 children at the Ibsenova remedial special school in Moravská Ostrava, of whom only eight were not Romani.[35] The director of the Těšinská remedial special school in Slezská Ostrava provided the *ERRC* with exact numbers of Roma in the student body. According to a statement by her, in January 1999 there were 159 pupils in the school, of whom 135 or 84% were Roma.[36] Těšinská School Director Majvaldová told the *ERRC*, "In my thirty years of working in the field of Romani education, I have never seen books in a Romani household."[37]

Also as of March 1999, the Karasova remedial special school in Marianské Hory was attended by 156 pupils, 121 of whom were Romani.[38] At the Na Vizině remedial special school in Slezská Ostrava, 110 out of 190 pupils were Romani.[39] The Halasova/Erbenova remedial special school in Vítkovice is "95.3%" Romani – 161 out of 169 pupils attending in January 1999 were Roma.[40] In the Čkvalovova remedial special school in Poruba, 49 pupils out of 191 are Roma.[41] This percentage was low enough to

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[35] Figures provided by the director of the Ibsenova remedial special school. The data provided by school directors is not based on voluntary declaration, but rather on the school directors' presumption about who is Romani. Appendix 2 provides Ostrava remedial special school data gathered by the *ERRC* in table form.

[36] Figures provided by the director of the Těšinska remedial special school.

[37] *European Roma Rights Center* interview with Director Majvaldová, January 26, 1999, Ostrava. In this report, in instances where the interviewee has requested anonymity, or where fears exist that publishing the name of the interviewee could lead to retribution, initials are used. In certain instances, testimony has been provided using pseudonyms. In other instances, the names of persons against whom allegations have been made are also not included. In cases in which names have been altered, full names are known to the *ERRC* and will be released if the interests of justice so require.

[38] Figures provided by the director of the Karasova remedial special school. An earlier written statement provided by the Karasova school to the *ERRC* in January 1999 reported that there were 146 Romani pupils out of a total student body of 177.

[39] Figures provided by the director of the Na Vizině school. In February 1999, according to Mgr Krejčířová of the Ostrava school bureau, ten pupils attending the Na Vizině school were boarding school pupils and 29 pupils attended and live in the school as a result of being removed from their families by court order and placed in a children's home *(ustávní výchova u Dětského domova)*.

[40] Figures and percentage provided by the director of the Vítkovice remedial special school. Mr Vojtěch John, a teacher at the Vítkovice remedial special school, stated at a parents meeting held by the *ERRC* on February 7, 1999, that he believes that over half of the Romani students at the Halasova/Erbenova remedial special school are not mentally deficient.

[41] Figures provided by the director of the Čkvalovova remedial special school.

allow the director to make the claim that "Čkvalovova is not a Romani school like the remedial special school in Vítkovice."

Other remedial special schools are reportedly not such obvious ghettos: the U Haldy remedial special school in the Hrabůvka neighbourhood has 27 Romani pupils from a total school population of 166.[42] U Haldy School Director Karel Sikora told the *ERRC* that Roma "place no value on education" and "just don't want to integrate".[43] There are 31 Romani pupils in the remedial special school at Kapitána Vajdy in the Zábřeh neighbourhood, from a total remedial special school population of 193 pupils.[44] Neither neighbourhood – Hrabůvka nor Zábřeh – has large Romani populations.

Altogether, 762 of the 1360 children in remedial special schools in Ostrava are Romani. Roma comprise 56% of the Ostrava remedial special school population and more than half of the Romani schoolchildren of Ostrava presently attend remedial special schools. Romani children in Ostrava are more than 27 times more likely to be pupils in special schools than their non-Romani counterparts.

Even where the Romani population of remedial special schools is comparatively low – say, 20%, the percentage of Romani pupils attending the school is six or seven times the percentage of Roma in the Czech population. School directors in Ostrava willing to provide details on the size of the Romani populations of their schools were able to produce detailed tables on the ethnicity of their student bodies – subdivided by gender and class attended.

The *ERRC* submitted data on remedial special and basic school populations in Ostrava, according to ethnicity, to Mr Dan Reschly, PhD and professor of psychology at the University of Vanderbilt in the United States. In a written statement to the *ERRC*, Dr Reschly commented as follows on the implications of the result:

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[42] Figures provided by the director of the U Haldy remedial special school.

[43] *European Roma Rights Center* interview with director Karel Sikora, February 10, 1999, Ostrava.

[44] Figures provided by behavioural advisor Marie Kořínková, Kapitána Vajdy special school, February 16, 1999. The complexity of the Kapitána Vajdy school was noted above. According to Ms Kořínková, in addition to the remedial special school pupils, eighteen pupils attend the auxiliary school, three of whom are Romani; eight pupils attend the preparatory level of the auxiliary school, one of whom is Romani. In addition, there are thirty-four pupils in the post-primary practical school, receiving rudimentary training in domestic affairs like cooking, sewing, home plumbing, home economics and health. According to Ms Kořínková, seven of these pupils are Romani.

> This ratio is used frequently in the United States in examinations of overrepresentation. A ratio of two is cause for concern, meaning that the school authorities would be asked to explain the reasons for the overrepresentation. Ratios of three or above are likely to provoke a civil rights compliance visit from the US Office of Civil Rights. In the compliance visit all aspects of the referral, assessment, classification, placement, and special education programming are examined for bias. In virtually all instances, the school authorities with such overrepresentation are required to make changes in the special education programs and in the treatment of minority students. [...] The ratio [...] is by far the highest that I have ever encountered in twenty years of analyzing placement patterns in special education in all regions of the United States. A ratio of this magnitude is extraordinary.[45]

In Brno, the Czech Republic's second city, the situation is similar. There are five special schools in Brno, four of which are located in east or central Brno, areas populated heavily by Roma. According to researchers currently working closely with a number of Brno schools on a project at the Faculty of Social Science at the Masaryk University in Brno to reform psychological testing of pupils, of these, Vídeňská remedial special school is 40%-50% Roma;[46] Kapitána Jaroše remedial special school is 60-70% Roma; Štolcova remedial special school is approximately 30% Roma; and Sekaninova remedial special school is approximately 70% Roma.[47] It is estimated that roughly 25% of Romani children in Brno attend remedial special school, although Roma comprise at most 4% of the population of children of that age.

According to Ms Věra Dudi-Koťo, a Romani woman from the northern Moravian town of Bohumín, the one remedial special school in that town has a 95% Romani student body. According to a report by the *SPOLU Prague 5/13 Project*, in the Prague neighbourhood Smíchov, an area with a large Romani population, "...Romani children attend mostly remedial special schools, only 47 Romani children attend one primary (basic) school... the Pedagogical

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[45] Statement of Mr Dan Reschly, PhD, to the *ERRC*, April 26, 1999, Nashville, Tennessee, USA.

[46] According to Mr Tibor Krištof, a Romani assistant working in the school, the figure is not as high: 73 Romani pupils out of a total school population of approximately 220 (*European Roma Rights Center* interview with Mr Tibor Krištof, February 8, 1999, Brno).

[47] Romani assistant Pavlína Rajsnerová stated that the number of Romani pupils in the school was approximately 150 out of approximately 200 total (*European Roma Rights Center* interview with Ms Pavlína Rajsnerová, February 9, 1999, Brno).

and Psychological Advisory Office have registered 169 children that attend the second level of basic schools (classes 5 to 9), 53% of them attend [remedial] special schools."[48] Laura Conway's "Report on the Status of Romani Education in the Czech Republic" states:

> The headmaster of a basic school in Predlice [a village approximately ten kilometres from the northern Czech city of Ústí nad Labem] confirmed that in Ústí nad Labem, most of the [remedial] special schools have a majority Romani student body. The headmistress of a basic school in České Budějovice named two [remedial] special schools in that small town, and agreed the students were mostly Romani.[49]

There is no indication that the situation in either of those two towns has changed significantly since the Conway report was published in 1996.

The extent to which the education of Roma takes place in remedial special schools is also suggested in patterns of funding. From the time of its creation in Autumn 1997 until August 13, 1998, the Inter-ministerial Commission for Roma Community Affairs awarded seven schools with grants aimed specifically at educational projects for Romani children (of a total of forty-two grants awarded). Of these, three of the schools funded were basic schools, three were remedial special schools and one was a special kindergarten.[50]

Nationally, even the most conservative estimates, calculated on the basis of such statistics as are available, show the magnitude of the problem: it can be affirmed without hesitation that Romani children are at least fifteen times more likely than their non-Romani fellow-citizens to be sent to special schools. In comparison to what is considered unacceptable elsewhere, this disproportionality is vast. For example, Theresa Glennon writes that in the United States, "African-American students are *more than twice as likely* [emphasis added] as white students to be identified as mildly or moderately mentally retarded."[51] As recently as

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[48] Quoted in Conway, Laura, "Report on the Status of Romani Education in the Czech Republic", Prague: Citizens Solidarity and Tolerance Movement – HOST, March 1996, p.14.

[49] *Ibid.*, p.14.

[50] See "Oznámení o výsledcích soutěže na doplňkové projekty pro romskou komunitu", at Czech government Internet website, http://www.vlada.cz/rady/krp/soutez/vysledky.win.htm, unofficial translation by the *ERRC*.

[51] See Glennon, Theresa, "Race, Education, and the Construction of a Disabled Class", in *Wisconsin Law Review*, 1995, p.1252.

March 1998, examining patterns of student placement nationwide, the United Nations Committee on the Elimination of Racial Discrimination condemned what it characterised as "*de facto* racial segregation" in Czech schools.[52]

Educational authorities and experts state that a large number of Roma in remedial special schools do not belong there.[53] One remedial special school teacher told the *ERRC*: "I have five or six Roma in my class. At least three or four could perfectly well be in basic school."[54] Mr Pavel Kuchař, a pedagogue who taught at the Na Vizině remedial special school in Ostrava from 1977 to 1990, commented in a written statement to the *ERRC*:

> In my opinion, these Romani pupils were not mentally deficient. This was in clear contrast with the non-Romani pupils, who had a variety of mental deficiencies and specific dysfunctions.[55]

The majority of interviewees for this report working professionally with Romani children accept without reservation that remedial special schools are full of Romani children without learning disabilities. Indeed, Director of the Department for Special Schools of the Ministry of Schooling, Youth and Physical Education Mr Jiří Pilař, told the *ERRC* in January 1999 that he estimated that approximately one third of all Romani children in remedial special schools did not belong there.[56]

On April 7, 1999, the Czech government adopted Resolution No.279, "On the Conception of Government Policy Towards Members of the Romani Community,

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[52] United Nations Committee on the Elimination of Racial Elimination, "Concluding Observations of the Committee on the Elimination of Racial Discrimination: Czech Republic", 30/03/98. CERD/C/304/Add.47.

[53] A survey conducted by psychologist Dr Václav Mrštík tested the intelligence of 1403 pupils in eighteen remedial special schools in northern Bohemia and Prague, without registering their ethnicity. According to the survey, in one school, the number of mentally retarded (the term used by the survey) pupils was as low as 3%. The highest percentage of mentally retarded pupils in a school was 47.5%. See Mrštík, PhDr. Václav, "Jací jsou žáci zvláštních škol: Příspěvek do diskuse o indikaci pro vřazování žáku do zvláštní školy", in *Výchovné poradenství*, February 1998, pp.14-19. The complete results of the survey are included here as Appendix 4.

[54] *European Roma Rights Center* interview with Ms E.S., December 12, 1997, Prague.

[55] *European Roma Rights Center* interview with Mr Pavel Kuchař, February 1, 1999, Prague.

[56] *European Roma Rights Center* interview with Mr Jiří Pilař, January 18, 1999, Prague.

Assisting Their Integration into Society", finally acknowledging the extent of the problem of Roma in remedial special schooling. Explicitly noting that the situation indicated "tendency toward apartheid", the Resolution states:

> The fact that approximately three quarters of Romani children attend remedial special schools for children with mild mental defects, and that more than 50 per cent (estimates are again around three quarters) of all children of remedial special schools are Romani children, is the object of growing criticism from abroad, where these schools are understood as forced segregation, an evil foretaste of a tendency towards apartheid.[57]

Disproportionate allocation to schools for the mentally handicapped affects the current and future prospects of at least 25,000 Romani children presently in primary schools in the Czech Republic, as well as numerous other Roma whose lives have been ruined by the school system. Discriminatory allocation of Romani children to schools for the mentally handicapped violates the absolute ban on racial segregation set down in Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which states, "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction."[58] Furthermore, racial segregation as currently practiced in the Czech Republic constitutes "degrading treatment" in violation of Article 3 of the European Convention on Human Rights.[59] Czech civil law provisions on the right to the dignity of personhood embodied in Section 11 of the Czech Civil Code are violated daily as thousands of Romani children are administratively designated mentally handicapped as a result of their ethnicity.[60]

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[57] Government of the Czech Republic, Resolution No.279, the "Usnesení vlády České Republiky o koncepci politiky vlády vůči příslušníkům romské komunity, napomáhající jejich integraci do společnosti", April 7, 1999, unofficial translation by the *ERRC*.

[58] The CERD entered into force in Czechoslovakia on January 4, 1969; the Czech Republic succeeded to the Convention on February 22, 1993.

[59] Article 3 of the Convention provides: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." The Czech Republic succeeded to the Convention on January 1, 1993.

[60] Section 11 of the Czech Civil Code states: "The physical person has the right to the protection of personhood, in particular his life and health, civic honour and human dignity, as well as his privacy, name and expressions of a personal nature.", Občanský zákoník, zákon č.40/1964 Sb., podle stavu k 1.4.1999, Edice ÚZ, Ostrava: Nakladatelství Sagit, unofficial translation by the *ERRC*.

The discriminatory nature of the treatment of Roma by the Czech educational system also constitutes a violation of the Article 5(e)(v) of the International Convention on the Elimination of All Forms of Racial Discrimination, which provides that States Parties undertake to eliminate racial discrimination in all its forms and to guarantee the right to education and training to everyone, without distinction as to race, colour, or national or ethnic origin, as well as of Article 3(1) of the Czech Charter of Fundamental Rights and Freedoms, a component of the Czech Consitution.[61] Racial segregation and discrimination in education are also inconsistent with Articles 10(1) and 24 of the Charter of Fundamental Rights and Freedoms.[62]

3.1. Dead End: The Structure and Nature of Remedial Special Schools

Remedial special schools *(zvláštní školy)* are schools for the mentally handicapped. They are a category of schools within a larger group called "special schools" *(speciální školy)*, itself a subset of the Czech school system.[63] According to the Statistical Yearbook of Schooling, 1996, published by the Department for Information in Education, of the 5094 schools in the Czech Republic for 6-15 year-olds during the 1996/1997 school year, there were 462 remedial special schools.[64] According to Director for the Department of Special Schools at the Ministry of Schooling, Youth and Physical Education Jiří Pilař, in January 1999, the number of remedial special schools had increased to 518. These remedial special schools have a total of 35,020 pupils, 3% of the pupils of their age. They are taught in 3561 classes, giving an average of 9.8 pupils per class. This compares favourably with the average for mainstream basic schools of 22.3 pupils per class, and is one of the reasons why remedial special school

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[61] Article 3(1) of the Czech Charter of Fundamental Rights and Freedoms states: "Fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth or other status." Official translation.

[62] Article 10(1) of the Czech Charter of Fundamental Rights and Freedoms provides: "Everyone is entitled to protection of human dignity." Article 24 provides: "The national or ethnic identity of any individual shall not be used to his or her detriment." Official translation.

[63] Translating terminology here proved difficult, since "zvláštní" and "speciální" are semantically equivalent terms both meaning, in English, "special". The *ERRC* has chosen to translate "speciální škola" as "special school" and "zvláštní škola" as "remedial special school", a choice supported by several Czech-English dictionaries.

[64] Ústav pro informace ve vzdělávání, *Statistická ročenka školství 1996/97*, pp. C-5, C-62.

education costs the state more than twice as much per pupil as mainstream basic education.[65] Authorities occasionally attempt to deny that remedial special schools are schools for the mentally handicapped by referring to the 1984 Law on the System of Basic Schools, Secondary Schools and Further Technical Schools as subsequently amended (Schools Law), which states that remedial special schools are for children with "intellectual deficiencies *(rozumové nedostatky)* such that they cannot successfully be educated in basic schools, nor in special elementary schools."[66] In this, they neglect a supplementary decree to the law, which states that remedial special schools are for the "mentally handicapped" (mentálně postižení). Authorities similarly deny that remedial special schools have ever been conceived as intended for Roma; in doing so, they ignore the existence of a Ministry of Schooling, Youth and Physical Education decree from January 1998 whose subject is explicitly "Alternative Education Programme of Remedial Special Schools for Pupils of Romani Ethnicity".[67]

The status of Czech basic and secondary schools is established by the revised 1996 version of the Schools Law. Compulsory school attendance lasts for nine years, and normally begins when a child is six; it can however be postponed for a year by the headmaster, acting on the advice of an educational psychologist or doctor.[68] Basic schools have nine years, and are made up of a first level, years 1-5, and a second level, years 6-9;[69] secondary schools, which are not compulsory, have variable lengths, but a progression to full school-leaving certificate normally lasts four years.[70] Various technical schools and training centres are shorter. The Czech Republic has generally high levels of literacy and school attendance.

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[65] See Ústav pro informace ve vzdělávání, *Statistická ročenka školství 1996/97*, pp. C-5, C-62. Classes in normal mainstream elementary schools have a minimum of 17 pupils, although exceptions can be made ("Zákon o soustavě základních škol, středních škol a vyšších odborných škol (školský zákon)", in *Sbírka zákonů České republiky, 1996*, č.77, October 10, 1996, unofficial translation by the *ERRC*, hereafter referred to as "Schools Law", Article 6(5)). Classes in remedial special schools have, *de jure*, a minimum of 4 pupils, and a maximum of 8-12, depending on school year ("Vyhláška Ministerstva školství, mládeže a tělovýchovy o speciálních školách a speciálních mateřských školách", May 7, 1997, in *Sbírka zákonů České republiky*, 1997, č.44, June 10, 1997, unofficial translation by the *ERRC*, hereafter referred to as "1997 Special Schools Decree", Articles 3(1) and 2(3)).

[66] Article 31(1), Schools Law.

[67] Ministerstvo školství, mládeže a tělovýchovy, "Alternativní vzdělávací program zvláštní školy pro žáky romského etnika", programme no. 35 252/97-24, January 1998, unofficial translation by the *ERRC*.

[68] Article 34(1)-34(4), Schools Law.

[69] Article 6(1), Schools Law.

[70] Articles 15, 16 and 17, Schools Law.

Section 4 of the Schools Law is devoted to "special schools", at both basic and secondary levels. It states:

> Special schools offer, using special educational and teaching methods, means, and forms, education and teaching to pupils with mental, sensory or physical handicap, pupils with speech impediments, pupils with multiple impediments, pupils with behavioural difficulties and sick or weakened pupils placed in hospital care.[71]

The law goes on to make the claim that, "special schools prepare these students for integration into work processes and the life of society."[72]

The category of special schools is divided into three subcategories: first, "special elementary schools" and "special secondary schools" provide education for students with physical disability, behavioural problems or long-term health problems.[73] Secondly, for students with learning disabilities, "remedial special schools" are offered in the place of mainstream basic schools.[74] Finally, pupils who "cannot be successfully educated even in remedial special schools" can be placed in "auxiliary schools" *(pomocné školy)*, which last ten years and aim to provide basic practical and social skills.[75] Auxiliary schools comprise school populations of children who have serious learning disabilities. They are defined by law as educating children "who are capable of acquiring at least some elements of education" including "habits of self-sufficiency and personal hygiene and [...] the development of adequate recognition and working skills with the objects of one's daily needs."[76]

For those students whose level of disability makes them unable to study in school at all, the director of the local education office may "[...] release them from obligatory school attendance for a certain period. At the same him he/she establishes the form of education which will be appropriate to the child's psychological and physical capabilities."[77] These children are, in other words, then excluded from the educational system altogether; this release precedes the transfer of responsibility for the child's care to the Ministry of Health.

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[71] Article 28(1), Schools Law.

[72] Article 28(1), Schools Law.

[73] Article 29(1) and 30(1), Schools Law.

[74] Article 31, Schools Law.

[75] Article 33, Schools Law.

[76] Article 33(1), Schools Law.

[77] Article 37(2), Schools Law.

The Schools Law defines the entire second subcategory – remedial special schools – as a type of school intended for persons with "intellectual deficiencies":

> Pupils who have intellectual deficiencies *(rozumové nedostatky)* such that they cannot successfully be educated in basic schools, nor in special elementary schools, are educated in remedial special schools.[78]

That remedial special schools are for children with inferior mental capacities is rendered even more clearly in the May 7, 1997 Special Schools Decree. A broad range of schools, catering for various special needs, is proposed; the Decree explicitly establishes the fact that remedial special schools are for "mentally handicapped" *(mentálně postižení)* pupils:

> For mentally handicapped children and pupils, the following are designated: special kindergartens, remedial special schools, auxiliary schools, technical training centres and practical schools.[79]

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[78] Article 31(1), Schools Law. Ms Marie Teplá, Director of Remedial Special Education at the Ministry of Schooling, Youth and Physical Education argued, in an interview with the *ERRC* on July 16, 1997, that it was not necessarily true that remedial special schools are schools only for the mentally handicapped because the special schools regime is not exclusively for the people for whom it is legally established. Ms Teplá based her argument on the 1997 Special Schools Decree. According to Article 6(1) of the decree: "In special kindergartens and special schools priority in placement and acceptance is given to handicapped children and pupils provided that they cannot, on account of their handicap, be educated in kindergartens, basic schools and secondary schools. [...]" This would seem to suggest that children do not have to be handicapped or 'intellectually deficient' in order to be in a special school: "[...] Provided that the number of children and pupils with health difficulties in a special kindergarten or remedial special school class is less than the maximum number of students [...] the number can be filled by the placement in the class of children and pupils without health difficulties, and priority is given to those with different work ability. Their number may not exceed a quarter of the provided maximum number of children and pupils with health difficulties in the class" (see Article 6(1), 1997 Special Schools Decree). According to Ms Teplá, this means that pupils at remedial special schools are not all branded with the stigma of being mentally handicapped.

[79] Article (2)4, 1997 Special Schools Decree. The Decree uses "children" [*děti*] for those at kindergarten, and "pupils" [*žáci*] for those at elementary-level or secondary schools. Article 28(5) of the Schools Law, in effect since 1984, states: "The Ministry establishes by decree the method of enrolment of pupils to special basic schools, to remedial special schools and to auxiliary schools [...]" Such a decree did not, however, follow until 1997.

As formulated here, remedial special schools are designed to meet the needs of mentally handicapped children.[80]

At the same time, it is clear that many educators in practice regard remedial special schools as schools for Roma. Some teachers become involved in special education as a way of becoming involved in Romani education. The view that remedial special schools are schools for Roma was given its clearest recent official endorsement in January 1998, when the Ministry of Schooling, Youth and Physical Education issued a decree entitled "Alternative Education Programme of Remedial Special Schools for Pupils of the Romani Ethnicity".[81] The Ministry decree adopts politically correct language in its approach to ethnic difference:

> For the successful accomplishment of [the integration of Romani children in the school system], it is necessary to proceed from the ethnic specificities of Roma and the personal specificities of individual children. In this, one should adapt not only the content of lessons, but principally the organisation and methods of the educational process.[82]

However, the intent of the Programme is to posit that, in fact, remedial special schools – schools for the mentally handicapped – are a medium for the integration of Roma and it elaborates a pedagogical program for Romani children based upon this assumption in twenty pages.

In arguing the pedagogical value of remedial special schools for the education of Roma, the Ministry's Programme uses paternalistic and stereotyping – if not outright racist – language. Following an engaged defence of the importance of having Romani assistants in the classroom, the decree proceeds to the following assertion:

> The opinions of Romani families about education proceed from the basically lower educational levels of Romani parents, a lack of motivation on the part of Roma toward education, and their entirely different values system. [...][83]

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[80] Some "mentally handicapped" children, however, who also have physical disabilities, are provided with more specific schools, such as remedial special schools for pupils with hearing difficulties; these schools otherwise follow the remedial special school programme (See 1997 Special Schools Decree, Article 2(8)).

[81] Ministerstvo školství, mládeže a tělovýchovy, "Alternativní vzdělávací program zvláštní školy pro žáky romského etnika", programme no. 35 252/97-24, January 1998, unofficial translation by the *ERRC*.

[82] *Ibid.*

[83] *Ibid.*

There is an essential double-speak surrounding the definition of remedial special schools. On the one hand, they are legally defined as established to cater to the needs of mentally handicapped children. On the other hand, numerous educators and the Ministry itself regards them as appropriate for the education of Roma. The effect of this dissonance in the two conceptions of the institution itself is that Romani children are branded as intellectually deficient by dint of their placement in remedial special schools, and are educated as if they were mentally handicapped.

3.2. The Content of Remedial Special School Education

Students in remedial special schools are not offered an education of the standard of a normal basic school. For while Article 28(2) of the Schools Law makes clear that pupils with physical handicap or emotional behavioural disorders should receive the same education as in mainstream schools,[84] no provision is made for equal education at remedial special schools. Unlike special elementary and special secondary schools, the other four types of school, described in Article 28(4)[85] and including remedial special schools, are excluded from the guarantee of equivalent education.

In fact, students in remedial special schools are not provided with anything approaching equal education. In subjects such as Czech language, pupils receive five hours of lessons per week in the first three years of schooling as opposed to nine hours in the first class of basic school, ten hours in the second and ten hours in the third. Pupils in the second year of basic school receive Czech language lessons to which the remedial special school curriculum will not arrive until the fourth year. Similarly, the remedial special school curriculum does not envision reading for comprehension until the fourth year, a skill expected in the first year of basic school. Remedial special school students are not expected to know the whole Czech alphabet until the fourth year, while pupils in basic school are expected to have mastered this in the first two years of schooling. In mathematics, basic school pupils are expected to recognise, read, write and count in a number of complex ways the numbers zero to twenty in their first year, while remedial special school pupils will not acquire these

[84] Article 28(2) of the Schools Law states: "Special schools include special elementary schools and special secondary schools; the education received in these schools is of equal value to that received in elementary schools and in other secondary schools." Students of special secondary schools are thus able, in theory, to continue to higher education.

[85] Article 28(4) of the Schools Law states: "Special schools also include remedial special schools, technical training centres, practical schools and auxiliary schools."

skills until the third class. In principal subjects, a gap opens in the curriculum in the first three years of primary education which sets remedial special school pupils at least two years behind their basic school counterparts by the time they reach the fourth class. The remedial special school curriculum is also entirely missing subjects such as foreign languages. The difference between basic and remedial special school curriculum is perhaps best illustrated through the size of the curriculum guidebooks published by the Ministry of Schooling, Youth and Physical Education; remedial special school education is described, in its entirety, in 95 pages, while basic school education requires 336.[86]

The January 1998 "Alternative Education Programme of Special Schools for Pupils of Romani Ethnicity" provides the framework for an explicitly Roma-oriented curriculum in special schools. This does not posit equivalent education, but is rather focussed at least partially on the goal of including important and heretofore lacking lessons in Romani history, language and culture. Gains made in the area of improvements in the cultural scope of school curriculum aimed at Romani children are offset by the fact, first of all, that no such curriculum changes are proposed for non-Romani children – where they are sorely needed; secondly, insofar as Roma are seen as much more likely to be present in special schools than non-Roma – to the point that this is acknowledged by the very title of the Ministry decree – other parts of the Programme are loaded with scorn for – and humiliating assumptions about – Roma. For example:

> The focus of subjects in the third level of special school is to deepen the relation of pupils to work, and to prepare them for future occupation. We will focus on the following themes:
>
> - the meaning of work for human society
> - roles in society (employee – worker – colleague)
> - free qualities necessary for the successful completion of occupational tasks, such as endurance, thoroughness, and completion of tasks begun
> - safety and hygiene during work, maintaining order, the aesthetics of work, etc. [...][87]

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[86] For description of the basic school curriculum, see Ministerstvo školství, mládeže a tělovýchovy, *Vzdělávací program základní školy*, Prague: Nakladatelství Fortuna, 1998. For description of remedial special school education, see Ministerstvo školství, mládeže a tělovýchovy, *Vzdělávací program zvláštní školy*, Prague: Nakladatelství Septima, 1997.

[87] Ministerstvo školství, mládeže a tělovýchovy, "Alternativní vzdělávací program zvláštní školy pro žáky romského etnika", programme no. 35 252/97-24, January 1998.

Roma, presumed to belong inevitably among the manual labourers of the world, are here seen as needing to learn primarily the rudiments of obedience. Embedded in the Ministry's description of optimal lessons are the views that remedial special school pupils – here understood to be Romani remedial special school pupils – have no respect for work, cannot concentrate, do not understand the roles of the workplace are sloppy and unhygienic. Curriculum provisions aimed at instilling in Romani children the value of work and understanding of the subservient roles of the workplace are not at all balanced by lessons which would encourage creativity and leadership; nowhere in the Ministry's Programme are Roma offered, for example, the possibility of learning about the roles "boss", "manager", "administrator" or "executive". An educational programme aimed at an excluded minority should in fact be exactly the opposite of the one offered by the Ministry; recognising the barriers to inclusion imposed by the cultural otherness, such a Programme would aim at rigour, intensive training, and the skills necessary for success in a dynamic society. The Programme's inclusion of Roma-centred materials in the special school curriculum – the substance of the "Alternative Education Programme of Special Schools for Pupils of Romani Ethnicity" – is not in fact an improvement in the educational system, but simply an acknowledgement of the existing state of affairs: special schools are Romani ghettos.

However subjectively good a remedial special school is, a pupil who passes through it is not guaranteed the elements of a mainstream education, and will not receive the same level or quality of education that a basic school pupil will. Pupils from remedial special schools have very limited possibilities for further study, and these limitations are enshrined in law. Mainstream secondary schools, of which there are several types,[88] and which offer the possibility of a full school-leaving exam,[89] accept students from mainstream basic schools only. The syllabus of remedial special schools and the possibilities offered to remedial special school students assume that remedial special school children suffer from such "intellectual deficiencies"; the education received by a remedial special school child will be aimed at children with learning disabilities. In addition, both the child him/herself and the community at large assume that he/she is attending a school for "stupid" children. The

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[88] Article 7(3), Schools Law: "Secondary schools are divided into the following types: the secondary technical training centre *(střední odborné učiliště)*, the grammar school *(gymnázium)* and the secondary technical school *(střední odborná škola)*". According to Article 19(1) of the Schools Law, these three main types of secondary schools accept students who have completed elementary school. The secondary technical training centre has a subcategory, the training centre *(učiliště)*, which takes students who have fulfilled mandatory school attendance of nine years but have not successfully completed the ninth class of basic school; even these, however, are not open to remedial special school pupils (see Article 17a(1), Schools Law).

[89] Article 8(2), Schools Law.

diploma received from such a school stigmatises the graduate as having graduated from a school for mentally handicapped children.

Remedial special schools manufacture underachievers. Once in a remedial special school, a pupil is moulded into a remedial special school type of person. The remedial special school curriculum is a form of attrition on the activity and interest of the pupil. Through a process of steady under-education, the intelligence of a remedial special school pupil is hammered away at, creating a dependent and stupid adult. According to Romani Co-ordinator at the Ministry of Education Albína Tancošová, after socialisation in remedial special schools, children tested as having IQs of up to 120 registered the practical accomplishment of children with IQs of 70.[90] In short, remedial special schools create what they are designed to treat.

The high numbers of Roma in remedial special schools constitutes a continuous and ongoing violation of education guarantees provided under Article 13(1) of the International Covenant on Economic, Social and Cultural Rights, to which the Czech Republic succeeded on February 22, 1993.[91] The situation of Roma in special schools is furthermore in violation of Article 29(1) of the 1989 Convention of the Rights of the Child, providing:

> States Parties agree that the education of the child shall be directed to:
> a. the development of the child's personality, talents and mental and physical abilities to the fullest of their potential;
> b. the development of the respect for human rights and fundamental free doms, and for the principles enshrined in the Charter of the United Nations;
> c. the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civ ilizations different from his or her own;

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[90] *European Roma Rights Center* interview with Albína Tancošová, December 16, 1997. The investigation was carried out by the Research Institute for Special Education in Prague.

[91] Article 13(1) of the Covenant states: "The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and its sense of dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace." Czechoslovakia signed and ratified the Covenant on October 7, 1968 and December 23, 1975, respectively. The Czech Republic succeeded to the Convetion on January 1, 1993.

> d. the preparation of the child for responsible life in a free society, in the spir it of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; [...][92]

That a significant number of Roma are not provided equivalent education is additionally in violation of Article 33 of the Czech Charter on Fundamental Rights and Freedoms which provides guarantees to the right to education.[93]

3.3. Meagre Pickings: Advanced Education Opportunities for Remedial Special School Graduates

A child who has passed successfully through remedial special school has extremely limited opportunities in secondary education. Two possible destinations exist for pupils graduating from remedial special elementary schools. These are the technical training centre and the practical school. Both belong to the special school system and are specifically aimed at remedial special school children.

The first type of secondary school in which remedial special school pupils may enroll is the technical training centre *(odborné učiliště)*: "Technical training centres accept pupils who have successfully completed the ninth grade of remedial special school."[94] They "[...] prepare students for the performance of professions appropriate to the specific field of instruction. The preparation lasts two to three years. The preparation in technical training centres is completed by successful taking of a final exam."[95] This final exam is not a full school-leaving exam *(maturita)*,[96] and does not allow progression to higher or further education.

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[92] Article 29(1), United Nations Convention on the Rights of the Child. The Czech Republic succeeded to the Convention on February 22, 1993.

[93] Article 33(1) of the Czech Charter of Fundamental Rights and Freedoms states, "Everybody has the right to education. [...]" Official translation.

[94] Article 32(4), Schools Law.

[95] Article 32(2), Schools Law.

[96] See Article 25(1), Schools Law.

The second type of secondary education available to pupils from remedial special schools is the practical school *(praktická škola)*. Practical schools "[...] prepare students for the performance of simple tasks. The preparation lasts one to three years."[97] The possibility of enrollment depends upon the type of practical school: "practical schools with three-year preparation accept, with priority, pupils who have successfully completed remedial special school, and also students who have completed obligatory school attendance in lower than the ninth grade of remedial special school, or of basic school. In justified cases it is also possible to accept pupils who unsuccessfully completed the ninth grade in basic schools.[...]"[98] The second type of practical school, practical schools with one-year and two-year preparation, "[...] accept pupils who have completed obligatory school attendance in remedial special or auxiliary schools."[99] In the first type of practical schools, whose three years culminate in a (non-*maturita*) final exam, the doors are open to successful remedial special school pupils; the second type of practical schools, which culminates in a teachers' report, accepts anyone from remedial special or auxiliary schools who has completed the nine years mandatory attendance: they therefore accept those pupils who have fulfilled attendance obligations, rather than setting any educational entrance level.

The remedial special school/technical training centre or remedial special school/practical school sequence is a track parallel to that of mainstream basic school/secondary school, providing, however, for the "intellectually deficient". A child wrongly allocated to a remedial special school is on a track that leads naturally on to underachievement. A decision to allocate a young child to a remedial special school has immediate implications for the whole of his or her future education.

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[97] Article 32a(1), Schools Law. For school-leaving qualifications, see Article 32a(3).

[98] Article 32a(2), Schools Law.

[99] Article 32a(2), Schools Law.

4. ALLOCATION TO REMEDIAL SPECIAL SCHOOLS

Romani children are enrolled directly in remedial special schools or are transferred there after having begun education in a basic school. The *ERRC* documented a number of abuses of the rights of Roma in connection with the enrollment of Romani children in remedial special schools. First of all, the rights of Romani parents to make an informed decision about the educational future of their children is abused in a variety of ways. Secondly, disproportionate numbers of Romani children are recommended for the psychological evaluation that comprise the justification for enrollment in or transfer to remedial special school. Third, Romani children are subjected to a psychological evaluation, the arbitrary nature of which leaves them exposed to numerous opportunities for discriminatory abuse. Romani children are often sent to remedial special schools without any kind of professional evaluation. There are also documented instances in which Romani children are enrolled in remedial special schools because of linguistic differences from non-Romani Czechs, behavioural problems, or at times for reasons as distantly related to learning ability as the fact that they walk oddly.

A child may begin schooling in a remedial special school or may be sent to remedial special school at any point in their primary educational career. Figures for 1996-7 show that the largest number of children are sent in Years One and Two, with a smaller peak in Year Six, the start of the second level in basic school.[100] These official figures match the impressions of individual educational psychologists, although here patterns may vary from centre to centre. In Prague 3, according to Dr Petr Klíma, "the process of placement in remedial special schools happens mainly in Years One and Two."[101]

Article 7(1) of the 1997 Special Schools Decree establishes the process by which a child is placed in a remedial special school. Placement depends upon the decision of the director of the (destination) remedial special school, the consent of the legal guardian of the child and the opinion of an educational psychologists' centre *(pedagogicko-psychologická poradna)*. Article 7(1) indicates the primacy of the role of parental consent in the process of placement when it states:

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[100] Ústav pro informace ve vzdělávání, Statistická ročenka školství 1996/97, p.C. 69.

[101] *European Roma Rights Center* interview with Dr Petr Klíma, July 8, 1997, Prague.

> The placement and transfer of children and pupils into special kindergartens and special elementary schools, remedial special schools, auxiliary schools and preparatory-level classes is decided by the director of the school, with the agreement of the pupil's or child's legal guardian. [...][102]

However, Article 7(4) mandates the significant participation of psychologists at an educational psychologists' centre when it states:

> An educational psychologists' centre or a special pedagogical centre shall gather all of the information necessary to form a decision and shall propose to the school's director the placement of the pupil in the appropriate type of school.[103]

Tension between the consent of the parent, the role of expertise and the role of force in determining the fate of Romani children is present in nearly every step in the process of placement.

4.1. Abusing Parental Consent

The 1997 decree appropriately recognises the primacy of the parent in the process of deciding the fate of the child. Unfortunately, many schooling authorities do not seem to value the consent of Romani parents. The *ERRC* documented numerous abuses of the right of parents to make an informed decision about the education of their children. First of all, school directors failed in some instances to acquire consent at all. Secondly, many Romani parents report that they were tricked or put under pressure to sign the forms placing their children in remedial special schools. Finally, Romani parents who did sign consent forms willingly report that they were not told of the consequences of placement in a remedial special school, or that graduates of remedial special schools have few chances of acquiring a valuable secondary education.

In some instances, where Romani children and parents are at issue, consent is allegedly not obtained at all. Of 260 Romani remedial special school pupils whose parents the *ERRC* interviewed in Ostrava in early 1999, 24 assert that they gave no consent for their child to enter remedial special school, 174 state that they only gave oral consent, and only 35, or

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[102] Article 7(1), 1997 Special Schools Decree.

[103] Article 7(4), 1997 Special Schools Decree.

13.5% of them, claimed that they had provided written consent. One Romani woman, Mrs. H.B., told the *ERRC* that she had never signed forms consenting to allow her child to be transferred to a remedial special school in Ostrava. This information was provided to the *ERRC* on a local bus, and unbeknownst to Mrs H.B. and the *ERRC*, the class teacher of her child, who was also on the bus, overheard. After Mrs H.B. had left the bus, the class teacher accosted an *ERRC* researcher stating, "She consented; I have her signature in my book." The teacher concerned refused to give her name, and refused to allow the *ERRC* to visit her class or see the signature.

Some school officials are evidently willing to go to great lengths to render a signature of consent from Romani parents. Often this is done with tricks. One Romani woman in Prague, Ms E.C., told the *ERRC* how school officials had tricked her into providing consent for transfer:

> My daughter is in the second year of basic school. She is doing alright. One day in November 1997 her teacher came to see me, saying, "We want to move her to another class which will be better for her." He gave me a piece of paper to sign. I should have read it but it was long and I didn't think a teacher would try to cheat us, so I just signed it. I know they have different kinds of class in that school. The next day I got a letter saying that my daughter had been moved to remedial special school.[104]

Only after she had complained did the school director agree to reconsider temporarily the placement. Another Romani woman in Prague, Ms Z.L., told the *ERRC* that school officials had attempted to bluster her into signing consent forms:

> My daughter is thirteen. She is in the seventh class. Two years ago they called me up to say, "We've decided that she should go to remedial special school. Can you come and sign the papers?" I said, "No, I don't want her to change schools." They said, "Well she has to now – we've already sent all her papers to the remedial special school." I had to go and make a big fuss to get the papers back. I still don't understand it. They never did tell me why they had suddenly decided my daughter should change schools. That was two years ago, and her grades in basic school are still alright.[105]

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[104] *European Roma Rights Center* interview with Ms E.C., December 11, 1997, Prague.

[105] *European Roma Rights Center* interview with Ms Z.L., December 11, 1997, Prague.

Fourteen-year-old Roman Bandy, a Romani pupil at the Chrustova basic school in the Slezská Ostrava neighbourhood of Ostrava told the *ERRC* of the various efforts made by teachers to transfer him to remedial special school while he attended the Antošovická basic school in the Koblov neighbourhood of Ostrava:

> I was a pupil at Antošovická basic school from the first to the seventh class. I was the only Romani pupil in my class during my entire stay at this school. During the first class, the teacher suggested that I should be transferred to remedial special school. At the same time, the school also made the same recommendation about my brother. They did not inform my parents of their intentions, but straight away arranged a psychological test for both my brother and myself, at an educational psychologists' centre. My brother was tested first – and failed the test – the day before I was meant to be tested. When I told my mother, she was furious that my brother had been tested without her consent and arranged for the cancellation of my test. She made it very clear to the school that even if we failed the psychological test or were forced to repeat the same grade five times, she would still refuse transfer to a remedial special school. I believe that we managed to remain in basic school only as a consequence of my motherr's insistence that we receive normal education.[106]

Numerous Romani parents with children in basic schools reported to the *ERRC* that schooling authorities had tried to pressure them into placing their children in remedial special schools. One Romani mother of four from the northern Moravian city of Bohumín, Mrs Jarmila Pišojová, whose daughter Edyta is among the few Roma attending university in the Czech Republic, described to the *ERRC* how school officials had put pressure on her to enroll Edyta in a remedial special school when she was a child. Mrs Pišojová told the *ERRC*:

> My daughter Edyta went to primary school under the Communists. Even back then they used to call her "Gypsy" at school, although in those days it was kept very quiet. So Edyta started running away from school and the school used to call me to tell me that she wasn't there. I used to have to go and get her at her grandmother's house, because she always ran off to her grandmother when she was upset. So I used to go and get her and bring her back to school. But then they tried to put pressure on me to have Edyta put into a remedial special school. They wanted to have her tested to see if she was mentally handicapped. So I went into the school and told them that she could be tested after they

[106] Written statement to the *ERRC* by Roman Bandy, May 3, 1999, Ostrava.

> tested me, all of the teachers in the school, and all of the psychologists as well, to see if they, too, were mentally handicapped. I told them that under no circumstances was my child going to go to a school for the mentally handicapped. From that time on I earned a reputation at the local school as a tough parent who was not going to be pushed around by the school.[107]

Had Mrs Pišojová been more passive, Edyta would likely have been transferred to a remedial special school. Most Romani parents, accustomed to generations of discrimination and abuse by non-Roma, would have given in to the pressure exerted by schooling authorities.

One psychologist told the *ERRC* that it is common practice in the Czech Republic for psychologists to acquire consent for transfer of Romani children by using the following formulation: first, the psychologist asks the Romani parent if they want their child to be happy. If, or rather when the Romani parent agrees to this leading formulation, the psychologist then states that the child will be happy in a remedial special school, and doesn't the parent agree? This question is part of a list of questions proposed by the psychologist, who writes the answers him or herself. At the end of the interview, the Romani parents are asked to sign the paper. Similarly, according to Dr Eleonora Smékalová, a psychologist in Olomouc,

> A psychologist or a teacher will say to the parent: 'your child does not have good results in basic school: do you agree? 'The parent will agree. The authority will then say 'so your child would be better at remedial special school?' and the parent agrees, without realising that they have just given their 'formal consent' to place their child in remedial special school. And this is the entirety of the conversation.[108]

If the parent provides consent to basic school authorities without resistance to the transfer of his or her child to a remedial special school, there is a tendency for this decision to be respected, even against the recommendation of the educational psychologists. Educational psychologist with whom the *ERRC* spoke stated that they had experienced having recommendations not to transfer ignored because parents had consented to placing their children in remedial special schools; their recommendation is perceived as irrelevant as momentum gathers to dispose of the Romani child in a school for the mentally handicapped.

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[107] *European Roma Rights Center* interview with Ms Jarmila Pišojová, January 29, 1999, Ostrava.

[108] *European Roma Rights Center* interview with Dr Eleonora Smékalová, May 3, 1999, Olomouc.

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If the parents' answer is "no", however, schooling officials often exert pressure, mild or intense, on Romani parents to convince them to shift their children to remedial special school. Many Romani parents report being put under subtle or intense pressure to produce the signature required before school officials can place their children in remedial special schools. Romani assistants with whom the *ERRC* spoke stated that they had taken it upon themselves to explain the consequences of remedial special school, since schooling officials did not do so. One Romani parent told the *ERRC*: "They told me, 'you'll regret it when he fails all his subjects at basic school and you have to come back to us.'"[109] One educational psychologist told the *ERRC*: "When a child clearly cannot remain in basic school, but the parents refuse to move him, the child cannot be moved; we try to persuade them."[110]

Proper informed consent does not enter the picture. No Romani parents with whom the *ERRC* spoke had been told in detail the consequences of putting their children into remedial special schools. None had been informed that remedial special schools were schools for the mentally handicapped. None had been told that following an education in a remedial special school their children would have almost no chance of lucrative employment. Many Romani parents with whom the *ERRC* spoke expressed surprise and anger upon learning of the educational consequences of having their children in remedial special schools.

4.2. High Rates of Recommendation for Examination by Psychologists

Educational experts and Romani activists contend that many more Romani children are recommended for psychological evaluation aimed at placement in remedial special schools than non-Romani children. It is widely held that, were all points in the process observable, discrimination would be most evident in the numbers of Romani pupils who are recommended for evaluation as compared to non-Romani children.

An initial recommendation for evaluation may come from any one of a number of persons. Article 7(2) of the 1997 Special Schools Decree states:

> The suggestion to place a child or pupil in one of the schools referred to in Article 7(1) may be made to the director of that school by any of the following:

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[109] *European Roma Rights Center* interview with A.G., October 31, 1997, Ostrava.

[110] *European Roma Rights Center* interview with A.J., December 4, 1997, Ostrava.

> the pupil's legal guardian, the school already attended by the pupil, an educational psychologists' centre, a health establishment, an organ for family and child care, an education centre or a diagnostic institute of social care for mentally-handicapped youth.[111]

In practice, however, recommendations for evaluation come from the doctor performing the pre-school check-up or, in the most common case, the basic school, if the child is already in school.

Determining the rates of recommendation of Romani children for psychological evaluation as compared to non-Romani children proved impossible during *ERRC* research. Pupils can be referred to educational psychologists' centres for a number of reasons not at all related to allocation to remedial special schools. Many pupils regularly go to educational psychologists' centres for counselling. Questions to basic school teachers and directors about how many Roma and non-Roma they recommended for evaluation at an educational psychologists' centre were therefore unenlightening. The same teachers and directors were unwilling to state which pupils they had sent to educational psychologists' centres for evaluation as part of the process of transfer to remedial special schools.

Only one educational psychologists' centre responded to *ERRC* queries on the number of Romani children recommended to their centre for evaluation for remedial special school: the educational psychologists' centre in the northern Bohemian town of Most reported to the *ERRC* that approximately 39% of the children recommended to their centre for evaluation during the 1997/1998 school year were Romani.[112]

Statements by some teachers, former teachers and school directors indicate that rates of recommendation of Romani pupils for evaluation are much higher than those of non-Romani pupils. Former remedial special school teacher Mr Pavel Kuchař, for example, told the *ERRC*:

> Roma children, because of their different behaviour, are therefore commonly referred to the psychologist for testing with the intention of transferring them to remedial special schools – primarily during the first and second grades. Remedial special schools are considered to be more suitable to their race.[113]

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[111] Article 7(2), 1997 Special Schools Decree.

[112] Written statement to the *ERRC* from the educational psychologists' centre in Most, March 9, 1999, Most.

[113] *European Roma Rights Center* interview with Mr Pavel Kuchař, February 1, 1999, Prague.

Many Romani children are referred to remedial special school by doctors when they go for the physical examination required by law prior to school enrollment. For example, Mr David Pešta, now twenty years old, was allegedly referred to remedial special school by a doctor. Only as a result of the refusal of his parents to yield to such pressure was David able to go to basic school. He subsequently went on to complete secondary education. In a written statement to the *ERRC*, Mr Pešta reported:

> I received my primary education at Dětská basic school. Before my enrolment at basic school, the doctor [...] recommended that I attend remedial special school instead. My parents refused, but had to compromise and delay my enrollment at basic school for one year. The recommendation of the doctor was completely unjustified and I believe that it was solely made because I am Romani. I can come to no other conclusion, since I was already able to read at the age of four and have never experienced any difficulties in following the curriculum at basic school. In fact, I was one of the best pupils in my classroom. Furthermore, I attended grammar school and have completed secondary education in the United States, where I obtained my high school certificate. I also intend to go to university next year. If my parents had not refused to follow the recommendation of the doctor I would have never been able to attend grammar school and obtain a proper education.[114]

Former remedial special school teacher Mr Pavel Kuchař told the *ERRC* that he believed the practice of referring Romani pupils to remedial special schools reflected anti-Romani prejudice on the part of the doctors:

> Most of the students in our school, however, never attended basic school and were directly registered in our remedial special school on the basis of their IQ test.[...] I believe that doctors were inclined to refer Romani children to the psychologists on the basis of their prejudice and past experience with them. I cannot think of any other explanation for the disproportionate number of Romani pupils tested and enrolled in remedial special schools, which would suggest that they were systematically sent to such psychological centres with a clear intention in mind. [...][115]

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[114] Written statement to the *ERRC* by Mr David Pešta, May 3, 1999, Ostrava.

[115] *European Roma Rights Center* interview with Mr Pavel Kuchař, February 1, 1999, Prague.

4.3. The Role of the Psychologist in the Allocation of Romani Children to Remedial Special Schools

The evaluation of a psychologist plays a key role in the process of sending children to remedial special school. What, exactly, the psychologist is presumed to be evaluating has been a matter of debate and has in fact changed since 1989. The presence of intelligence tests in the evaluation indicates that a component of the evaluation aspires to the raw measurement of the child's intelligence. In the past, evaluation aspired to a cut-and-dry decision as to whether the child was mentally handicapped or not. However, due to recent criticism, psychologists now refer to the subject of their evaluation as "schooling maturity" *(školní zrálost)*.

The legal status of the role of the psychologist is unclear. Article 7(4) of the 1997 Special Schools Decree provides that a psychologists' office "will collect together all the materials necessary for a decision", but there is nothing specific to require schools to consult psychologists. In addition, Article 6(1) of the same decree allows "pupils without health difficulties" to be placed in remedial special schools. Not only is it unclear how these "healthy" children will benefit from being in a school for "children with intellectual deficiencies", but the provision also opens the door for educational psychologists to recommend children on an arbitrary or discriminatory basis.

Psychologists and educational authorities alike endorse the propriety of the presence of the psychologist in the decision-making process concerning allocation to remedial special schools. In practice, the psychologist often plays a key legitimising role in the transfer process as a result of the deference to expertise prevalent in Czech society. Like much of Europe – and especially the countries of the former Communist bloc – the Czech Republic has not experienced a significant revolt against the hegemony exercised by the expert in society. There is an intensity of respect for expertise present throughout the system, as well as the tendency for all players to rely on paternalistic knowledge; the opinion of the psychologist is often overpowering.

Explaining the procedure for allocation to remedial special schools, Dr Petr Klíma, an educational psychologist in Prague 3, told the *ERRC*:

> The school, in consultation with the parents – or separately – makes a suggestion for examination *(návrh na vyšetřování)*. After a suggestion for examination has been made, the child is sent to the educational psychologists'

centre to be tested. These tests, and other information about the child, are then collected to produce an expert opinion *(odborné vyjádření)*.[116]

On the basis of the tests and other information such as a medical report or a report from the pupil's present school, psychologists recommend an educational strategy for the immediate future of the child, involving remedial special school, basic school, repeating a grade, school deferral – in which the pupil does not enroll for a period of time – or some combination of these elements. No psychologist with whom the *ERRC* spoke claimed that they had recommended a pupil to remedial special school simply because he or she was Romani. However, discrimination significantly affects the procedure in a number of ways. A number of the tests are culturally biased. Additionally, tests are only one element of an evaluation procedure that reportedly takes into account family, social status and other environmental factors. Where the tests do not endorse the predicted failure of the Romani pupil being evaluated, often other materials are marshalled to recommend that the child be sent to remedial special school. Additionally, the *ERRC* documented numerous abuses of the evaluation procedure, including failure to test and failure to evaluate adequately.

4.3.1. Procedural Abuses: Failure to Evaluate Adequately

Numerous educators told the *ERRC* that under no circumstances were pupils transferred from a normal basic school to a remedial special school if they had not first undergone psychological evaluation. Educational psychologists with whom the *ERRC* spoke stated that a competent evaluation of the schooling potential of a child could not be carried out in under one hour. Contradicting these assertions, *ERRC* research in Ostrava in late 1998 and early 1999 indicated that in numerous instances, Romani children had either not been evaluated at all or evaluations had lasted a negligently short period of time.

The procedures themselves are not at all transparent, and most Romani parents whose children had been evaluated told the *ERRC* that they had been asked to wait outside while their child was being examined by the psychologist. The *ERRC* spoke with the parents of Romani children who began schooling in remedial special school without having first attended basic school. Of these, 45 claimed that their children had not undergone psychological examination. Another 54 stated that they had visited an educational psychologists' centre with their children, and that their children had been evaluated for periods of thirty minutes or less. The parents of three Romani children interviewed stated

[116] *European Roma Rights Center* interview with Dr Petr Klima, July 8, 1997, Prague.

that their children had been evaluated for periods of between thirty and sixty minutes. The parents of only seventeen Romani children stated that they had been at the educational psychologists' centre for an hour or more.

The *ERRC* additionally interviewed the parents of Romani children who were transferred from basic school to remedial special school. Of these, at least 29 claim that they had not taken their children to an educational psychologists' centre for evaluation. The parents of 36 Romani children told the *ERRC* that they had done so, but that their children had been evaluated for periods of 30 minutes or less. The parents of 27 of these transfer pupils spent an hour or more at the educational psychologists' centre.

Ms Marie Sochorková, who taught the seventh class at the Poděbradova remedial special school in Ostrava during the 1993/1994 school year, told the *ERRC* that in her class there were thirteen pupils, ten of whom were Romani. She stated that ten of the pupils she taught had begun their schooling careers at the school, at the beginning of the first class, and none of these pupils had been evaluated by a psychologist.[117]

Ms Marie Čadecká, a Romani woman who taught at the Poděbradova remedial special school until 1993, told the *ERRC* that testing after enrollment was common practice at the school:

> All of the class teachers had files for each child, with the medical and psychological reports indicating that the child was mentally handicapped. However, it was quite common that children were enrolled first and then tested later.[118]

In early 1999, the Ministry of Schooling, Youth and Physical Education implemented enrolment for remedial special schools, a practice that had previously existed only for basic schools. Pupils are now required to enrol during a period of several days in the late winter or early spring for the coming school year. Romani children in Bohumín and Ostrava were reportedly enrolled for the 1999/2000 school year without having been evaluated by a psychologist.

One psychologist told the *ERRC* of a practice often deployed when Romani children are being evaluated:

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[117] *European Roma Rights Center* interview with Ms Marie Sochorková, April 30, 1999, Ostrava.

[118] *European Roma Rights Center* interview with Ms Marie Čadecká, April 30, 1999, Ostrava.

> Sometimes a Romani child is tested at age five and fails the test. However, the parents refuse to agree to the enrolment at remedial special school. The child therefore starts at basic school but after one or two years, the teachers want to transfer the child to remedial special school. At this point the child will not be tested again by the educational psychologists' centre because they will simply rely upon the old test results taken when the child was five. Thus transfer will take place without a visit to the centre.[119]

Some psychologists in the Czech Republic deny that there are children in remedial special schools who have not been evaluated or evaluated adequately. Dr T.A., a psychologist in Ostrava, for example, told the *ERRC*, "You must not imagine that children in remedial special schools have been put there just like that. They are there as the result of careful tests and consideration."[120]

Psychologists are left an entirely free hand to decide which materials should take primacy while evaluating a child. One psychologist and former employee of an educational psychologists' centre in Brno told the *ERRC* that she had never seen written instructions from the Ministry indicating what constituted a thorough evaluation.[121] In a written statement to the *ERRC*, Ms Marie Plánková, director of the regional educational psychologists' centre in the northern Moravian town of Přerov, wrote:

> Pedagogical-psychological consultation represented in the state school system, including that of the educational psychologists' centres, is not limited by any instructions nor methodological recommendations in the use of concrete diagnostic or therapeutic methods or techniques. Every psychologist uses the methods he or she finds most suitable for a type of problem or a client or a situation, etc.[122]

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[119] *European Roma Rights Center* interview with Dr Eleonora Smékalová, May 3, 1999, Olomouc.

[120] *European Roma Rights Center* interview with Dr T.A., October, 31, 1997, Ostrava.

[121] *European Roma Rights Center* interview with Ms T.Š., February 1, 1999, Brno.

[122] Written statement to the *European Roma Rights Center* from director Marie Plánková, regional educational psychologists' centre, February 1, 1999, Přerov.

4.3.2. Tests

When the intelligence of children is evaluated by an educational psychologist in the Czech Republic, the core of the evaluation is often an intelligence quotient (IQ) test. One widespread argument used to deny the existence of discrimination in the allocation of Romani children to remedial special schools depends upon the notion that they are placed in these schools on the basis of objective tests. Such arguments treat allegedly scientific test procedures with a deference similar to the faith in expertise noted earlier. However, there is clear evidence that IQ tests in general are culturally specific, and that the tests used in the Czech Republic are biased against Romani children, requiring culturally specific knowledge which Romani children are less likely than non-Romani children to possess. There are additionally suggestions that IQ tests only reproduce the outcome expected by the educational psychologist.

Tests used by psychologists are entirely at the discretion of the individual psychologist. There is no law or decree indicating which tests should be used or how they should be applied. According to Dr Hana Prokešová, Director of the Prague 5 educational psychologists' centre, there is not even a directive from her office indicating which tests should be used in which instances.[123]

A study of 63 educational psychologists' centres conducted by psychologists Jiří Dan and Hana Palatová and published in *Výchovné poradenství*, the journal of the Institute of Educational-Psychological Advisory in the Czech Republic, indicated that the following tests were in use:

Reverse Test (A.W. Edfeldt)	60
Coloured Progressive Matrices (J.C. Raven)	56
School Maturity Test (A. Kern, J. Jirásek)	52
Stanford-Binet Intelligence Test – total	47
Third revision	38
Fourth revision	9
Laterality test (Z. Matějček, Z. Žlab)	46
Test of the Knowledge of Pre-School Children (Z. Matějček)	41

[123] *European Roma Rights Center* interview with Dr Hana Prokešová, March 10, 1999, Prague. The interview was conducted by journalist Markus Pape, *ERRC* consultant.

Wechsler Intelligence Scale for Children – total	32
Of these:	
PDW [Prague Wechsler for Children]	23
WISC	9
Drawing figures (F.L. Goodenough or D.B. Harris or J. Šturma)	28
Test of tracing (Z. Matějček)	23
Orientation Test of Dynamic Praxis (J. Míka)	20
Picture Dictionary Test (O. Kondáš)	18
WPPSI	13[124]

Of these, the Stanford-Binet tests, the Wechsler tests and the WPPSI tests are IQ tests measuring intelligence on a numerical scale. The WISC test is the standard Weschler Intelligence Test; a third edition is presently most commonly used in the Czech Republic. The WPPSI test is also a version of the Weschler test.

Psychologists in the Czech Republic indicated that the specific intelligence tests most commonly used in the Czech Republic are problematic, especially where Roma are concerned. The PDW test, for example, was adapted for use in the Czech Republic in 1972 and is reportedly the only one of the intelligence tests which has been locally adapted. The test reportedly contains culturally-specific references such as "insurance companies" – a significant portion of the Romani community in the Czech Republic cannot afford insurance. At one point, the test asks, "Why do we imprison people?", to which a Romani child could legitimately answer, "We don't imprison people, since there are none of us to be found anywhere on the Czech judiciary." That answer would not, however, be counted as correct.

Psychologists also criticised the Weschler test. The WISC III was introduced only recently to the Czech Republic, and the version presently in use has not been standardised for use in the Czech Republic. The questions presume that the child tested is from Great Britain. The Stanford-Binet test has also not been adapted for use in the Czech Republic, and none of the tests have been adapted to take into account the cultural particularities of Romani children.

The intelligence tests used are culturally biased, their supposed "objectivity" in fact dependent upon the projected cultural uniformity of the people tested. Romani activists refer to a famous example in which a child was evaluated as mentally handicapped among

[124] Dan, Jiří and Hana Palatová, "Výsledky průzkumu užívání psychodiagnostických testů v pedagogicko-psychologických poradnách", in *Výchovné poradenství*, No. 16, August, 1998, p 31. Additional information on tests in use in the Czech Republic can be found in Conway, *Op.cit.*, pp.18-27.

other things because he could not state that "knife", "fork" and "spoon" belong to the category "cutlery", although the word is not in common usage among Romani families.

Moreover, all of the tests presently used measure only one point in time on a learning curve that may differ greatly in form and speed from one child to another. Tests based on the dynamic assessment of the child over a period of time, or which measure the ability to acquire skills learned entirely during the testing procedure are either not being considered for use at the moment, or will not be available for use in the Czech Republic for at least one year. Additionally, the level of discretion accorded to psychologists in the Czech Republic indicates that even when such tests are made available, there is no guarantee that they will be used.

Perhaps even more disturbing than the cultural bias of the tests and the discretion accorded to psychologists in applying them is the freedom accorded to psychologists in the Czech Republic to decide what scores on the tests constitute learning disability. According to a 1992 standardisation by the *World Health Organisation,* scores below 70 on intelligence tests constitute mental retardation.[125] Dr Eleonora Smékalová, an educational psychologist, told the *ERRC* that in practice in the Czech Republic there is no uniform standard applied as to what score constitutes mental handicap or retardation:

> In the Czech Republic, the Special Schools Decree makes it clear that it is mentally retarded children that should attend remedial special school. However, one of the problems which the psychologists in educational psychologists' centres face in the testing of children is that there is no definition of 'mentally retarded' in the law. For example the Weschler PDW test gives one definition of 'weak-mindedness' but other tests do not lay down criteria. And there is a wholly different definition of 'mentally retarded' for clinical psychologists. Another anomaly is that the state test for social security benefits for someone who is mentally retarded opines that IQ should be less than 50. [...] The Schools Law confuses the picture even further because there is no psychological correlation between IQ test scores and success in basic school. And the definition of whether a child is able to be successfully educated at basic school is never explained. There is therefore no uniformity among psychologists in the Czech Republic as to which definition of mental retardation to apply. Each psychologist will use his or her own discretion.

[125] See World Health Organisation, "Revision of the World Health Organisation", Geneva: 1992, http:www.who.org.

> Some psychologists think that children who score between 70 and 85 belong in remedial special school.[126]

The Ministry of Schooling, Youth and Physical Education's January 1998 "Alternative Education Programme of Remedial Special Schools for Pupils of Romani Ethnicity" states that, "Pupils with light mental retardation, this means with IQs of approximately 50-69, are regularly enrolled in remedial special schools."[127] The director of the regional educational psychologists' centre in Přerov, however, in a written statement to the *ERRC*, indicated that there is no fixed IQ specified as the line beyond which pupils belong in remedial special schools: "It is a question for discussion as to how high the IQ is [at which pupils are recommended to remedial special schools]"[128] This was confirmed by Dr Hana Prokešová, director of the Prague 5 educational psychologists' centre. She told the *ERRC*, "What exactly constitutes a mental defect is not defined in the Czech Republic. Everybody sets a standard according to their own judgement."[129]

The absence of clear guidelines from the Institute of Educational-Psychological Advisory in Prague as to what level of scores on intelligence tests constitute mental handicap leave open the possibility for arbitrary and discriminatory decisions by educational psychologists.

Even psychologists and educators wedded to the practice of intelligence testing criticised the use of intelligence testing as determining the educational fate of six-year-old children. One English pedagogue working on a school reform project in the Czech Republic told the *ERRC*, "Classification at age six is awful."[130]

Finally, some psychologists indicated to the *ERRC* that they doubted the evaluative ability of tests entirely. Ms T.Š., a psychologist and a former employee of an educational

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[126] *European Roma Rights Center* interview with Dr Eleonora Smékalová, May 3, 1999, Olomouc.

[127] Ministerstvo školství, mládeže a tělovýchovy, "Alternativní vzdělávací program zvláštní školy pro žáky romského etnika", *Op. cit.*, January 1998.

[128] Written statement to the *European Roma Rights Center* from director Marie Plánková, regional educational psychologists' centre, February 1, 1999, Přerov.

[129] *European Roma Rights Center* interview with Dr Hana Prokešová, March 10, 1999, Prague. The interview was conducted by journalist Markus Pape, *ERRC* consultant.

[130] *European Roma Rights Center* interview with Dr H.G., February 5, 1999, Brno.

psychologists' centre told the *ERRC* for example, "Tests are a tool. They produce the outcome a psychologist wants them to."[131]

4.3.3. Other Elements of Psychological Evaluation

Where tests do not endorse the predicted failure of Romani children, often other materials are marshaled to find the child unsuited for basic school. Components of the psychological evaluation include, in addition to the tests mentioned above, an array of background information including school reports to date if such exist; information about the family and social surroundings of the pupil; medical reports; and other information deemed relevant by the individual psychologist.

The evaluation procedure leaves immense room for arbitrary treatment, since any factors related to a child's circumstances are taken into account in the evaluation. Indeed, the more the procedure has shifted away from the black-and-white distinction between learning disability and mental facility, the more cultural factors have been taken into account in the evaluation. One psychologist, for example, told the *ERRC* that in addition to tests, she took into account "sociability, based on observance of dependence on the child's mother, my ability to establish contact with the child and observing the child at play; hygienic habits, based on conversation with the mother.[...]"[132]

Evaluation by an expert who is to assess the child in a distanced and clinical fashion is completely culturally alien to most Roma. The effects of this foreign atmosphere are exacerbated by the disdain and aversion felt by many Czech psychologists towards Roma. One psychologist told the *ERRC*:

> The atmosphere in the educational psychologists' centres is completely inappropriate for a Romani child. Often the Czech psychologists in educational psychologists' centres will have a quick and harsh tone and before they even test a Romani child they are already convinced that the child will probably fail. And by contrast with the non-Romani child, the Romani child will be less familiar and less comfortable with the environment of the educational psychologists' centre.

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[131] *European Roma Rights Center* interview with Ms T.Š., February 1, 1999, Brno.

[132] *European Roma Rights Center* interview with Dr Věra Jurčičková, February 17, 1999, Opava, as well as written statment to the *European Roma Rights Center*, March 3, 1999.

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> Indeed one of the heads of the educational psychologists' centre in Ostrava said to me in March 1999 that a Romani child could never be more than average.[133]

The same psychologist told the *ERRC* that "Pronunciation by a Romani child will also generally be different to that of a non-Romani child and the psychologists sometimes wrongly assume that the Romani child is stupid merely because of their accent."[134]

Acquiring statistics on the number of Romani children recommended to remedial special schools by psychologists or, in fact, any information at all from psychologists working in educational psychologists' centres or related institutions in the Czech Republic proved exceedingly difficult during *ERRC* research. One educational psychologists' centre – a facility in the western Czech town of Sokolov – responded to an *ERRC* query and stated that during the 1997/1998 school year, 65% of the children they had recommended to remedial special school were Romani.[135]

Officials from educational psychologists' centres most often claim that their institutions do not keep statistics on Roma on the basis of ethnicity. Educational psychologists' centres generally see several thousand pupils per year for various reasons. Many pupils visiting such centres, including most Romani pupils sent for evaluation, visit such a centre only once. It is therefore plausible that prepared statistics do not exist in educational psychologists' centres in the same way that they do in many schools in the Czech Republic.

This does not, however, mean that ethnicity is not kept on record in educational psychologists' centres. Individual files definitely state if the child is Romani or not, and individual psychologists prepared statistical records for the *ERRC*. These were, however, not comprehensive enough to be definitive. Accurate statistical analysis could only be conducted with the full co-operation of the educational psychologists' centres. The experience of the *ERRC* is that this is not readily forthcoming; the community of psychologists in the Czech Republic is small and defensive of its professional interests, and most psychologists deny outright that ethnic considerations affect their work.

Some psychologists, however, contest this assertion. Dr Hana Prokešová, the director of the Prague 5 educational psychologists' centre, told the *ERRC* that psychologists often

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[133] *European Roma Rights Center* interview with Dr Eleonora Smékalová, May 3, 1999, Olomouc.

[134] *Ibid.*

[135] Written statement to the *ERRC* from the Sokolov educational psychologists' centre, March 31, 1999.

transfer children to remedial special schools in the full awareness that they are not mentally handicapped.[136]

An atmosphere of extreme deference to expertise lends immense weight to "expert opinion". Czech schooling officials, psychologists, Romani activists, Romani assistants in the school systems and Romani parents alike expressed the belief that if an hour of evaluation on the basis of testing produced the conclusion that the child in question is "debilitated" *(debilní)*, there is little hope of calling that conclusion into question.

4.3.4. The Road to Disposal: "Borderline Cases" and "Diagnostic Stay"

Where Romani children are concerned, it is very often the case that psychologists prefer not to make a definitive statement about the learning abilities of the child at issue. Because their cultural difference cannot be accounted for in the reified and positivistic world of Czech psychological practice, the majority of Roma referred to psychologists are deemed to be "controversial cases" *(sporné případy)* or "borderline cases" *(hranicové případy)*. An educational psychologist from Ostrava told the *ERRC*:

> When we have a borderline case, we're faced with a very difficult choice. On the one hand, we think they might be able to manage the basic school; on the other hand, we know that with the large classes and the demands of the syllabus, these weaker children will not get the special attention they need.[137]

The issue of "borderline cases" is raised by educational psychologists in connection with Romani children to such an extent that it is hard to avoid the conclusion that the idea of a "borderline case" is in fact a construct pertaining almost exclusively to Roma. The fact that so many Romani children are "borderline" (i.e. have inconclusive test results) suggests that, faced with a Rom, psychologists are plunged into a state of doubt over the intelligence of the individual at hand in a way which they are not when the child being evaluated is not Romani. Being deemed "borderline" by a psychologist is a first step into the zone of suspected abnormality from which most Romani children do not return.

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[136] *European Roma Rights Center* interview with Dr Hana Prokešová, March 10, 1999, Prague. Interview conducted by journalist Markus Pape, *ERRC* consultant.

[137] *European Roma Rights Center* interview with A.J., December 5, 1997, Ostrava.

For borderline cases, the psychologist can recommend an initial trial period – a "diagnostic stay" – in a remedial special school. The 1997 Special Schools Decree states:

> [...] In controversial cases the decision about placement may be preceded by a diagnostic stay for the child or pupil in the appropriate special kindergarten or special school for a period of two to six months.[138]

In practice, psychologists faced with a "borderline case" which is a Romani child commonly recommend the child for diagnostic stay in a remedial special school.

The *ERRC* noted significant variations in the length of diagnostic stay commonly prescribed. Remedial special school directors in Ostrava stated that diagnostic stay can last for up to six months in the Czech Republic and that it was their practice to keep children for that period of time. Slezský odboj remedial special school deputy director Ms Helena Dobrušová in the northeast Moravian town of Opava, however, told the *ERRC* that her school never allowed diagnostic stays to last more than six weeks to two months, since "after that, if the pupil were returned to basic school, he or she would already be too far behind in the curriculum to catch up."[139]

The remedial special school director is required to transfer a child back to a mainstream school at any time if the child's situation demands it.[140] In practice, Romani children rarely return to normal basic schools once they have been sent to remedial special school for diagnostic stay. Also, the diagnosis is not a diagnosis at all, but rather a simple report from a teacher about the pupil's performance. According to one former remedial special school teacher:

> At the end of five months, the teacher should write a report assessing whether the child is appropriately placed. But this is a formality, and it almost never happens that the child is actually sent back. The teacher eventually advises that, for reasons of mental retardation, the child requires remedial special education.[141]

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[138] Article 7(4), 1997 Special Schools Decree.

[139] *European Roma Rights Center* interview with Slezský odboj remedial special school deputy director Ms Helena Dobrušová, February 17, 1999, Opava.

[140] Article 6(2), 1997 Special Schools Decree.

[141] *European Roma Rights Center* interview with Helena Jiřincová, November 11, 1997, Prague.

Moreover, the decision about when to end the diagnostic stay and whether to return the child to a normal basic school is not actually in the hands of the educational psychologist who may have originally recommended that the child should be sent for a diagnostic stay, but rather in the hands of the remedial special school director and the parents.

One remedial special school teacher in Prague could recall only two instances in which children had been sent back to a normal basic school from the remedial special school, after they had been sent there for diagnosis. Another former remedial special school teacher, Ms Pavla Boučková, told the *ERRC*:

> I sent a child back once at the end of a diagnostic stay. He had no reason to be in a remedial special school at all; he was an intelligent boy with behavioural problems. When I sent him back to the normal school, they made a great fuss, as if I was grossly violating protocol. A year later he came to the remedial special school again, and this time he really did need to be with us. He had been ignored by his teacher at basic school for a whole year just so that she could send him back to us and be proved right.[142]

Very few students therefore return from being diagnosed at a remedial special school. Evaluations of Romani students sent for a diagnostic stay are almost invariably negative. The result of being deemed "borderline" – itself an ethnically coded designator – is almost certainly tracking into the world of remedial special schooling.

Czech psychologists have another term for referring to Romani children in remedial special schools who may not belong there: "pseudo-oligophrenic". This category offers nothing more than what it pretends to: at issue are persons who are not mentally handicapped, but appear to be when judged within the rigid standards of real existing science. "Pseudo-oligophrenic" children are nothing other than "borderline cases" at a later stage in the process, with a year or two of remedial special school education behind them.

Further evidence for the presence of discrimination in the evaluation of Roma as "borderline" lies in the comparison between the proportion of Roma in remedial special schools as compared to the proportion of Roma in other schools for children with disabilities. For example, in auxiliary schools – schools for children with serious learning disabilities, Roma are not as over-represented, nor are they wildly over-represented among

[142] *European Roma Rights Center* interview with Pavla Boučková, December 12, 1997, Prague.

students released from the competence of the Ministry of Education. For example, of 52 pupils attending the Jeseninova auxiliary school in the Kunčice neighbourhood of Ostrava, three are Romani. Similarly, there is no indication that Roma are over-represented in schools for the physically handicapped. Director Němcová of the special basic school at the Ostrava city hospital – a school for the physically impaired – told the *ERRC* on February 16, 1999, that of the approximately 235 pupils attending the school, none were Romani.[143]

It is precisely on the murky boundary of mainstream and remedial special education that Roma pay the educational price for ethnic difference. In the clinical world of severe learning disabilities or physical disability, ethnic difference is less readily confused with intellectual deficiency.

4.4. Placement in Remedial Special Schools on Linguistic Grounds

Many experts and Romani activists contend that Roma are over-represented in remedial special schools because at the moment at which they enter the school system, their first language is Romani and they therefore cannot understand either teachers or the psychologists evaluating them.[144] This is certainly true in a number of cases. A statement which applies more generally to the linguistic situation of Roma as they enter the Czech system is that notions of language, a national language, the Czech language, the Romani language and proper speech *per se* which are particular to Czech culture and, specifically, Czech schooling culture pervade the Czech school system to such an extent that many Romani children become alienated from it upon first contact.

Romani children in the Czech Republic exhibit a wide variety of linguistic behaviour. In addition to any number of varieties of spoken Czech (though very likely not the variety spoken by schoolteachers), a Romani child prior to entering the school system may hear at home or in her close surroundings some combination of the following: one of two dialects

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[143] *European Roma Rights Center* interview with Director Němcová, February 16, 1999, Ostrava.

[144] One of the points at which Romani activists and psychologists depart is the issue of the role of language in the testing process. While many activists state that Roma are relegated to remedial special school simply on the basis of the fact that they are evaluated in a language they cannot understand, some psychologists note that Roma tend to do better in language-based tests than non-verbal ones (see, for example, Klíma, Petr PhD., "Psychologické vyšetření romského dítěte v poradenském systemu", *Výchovné poradenství*, No. 13, November 1997, pp.5-14).

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of Romani,[145] Hungarian and Slovak. Additional influences include the English and German spoken on many television channels and Polish, if the Romani child lives in one of the northeast Moravian areas with a Polish minority.

Some Roma speak a dialect of Romani at home or have Romani-speaking parents. The Romani language has historically been judged socially inferior or culturally negative. During Communism, Romani was variously characterised as a language which "would only slow down the process of re-education of Roma" or as the "decaying language of a socially and culturally backward part of the population."[146] In schools, Romani children were punished for speaking Romani: types of punishment included fines for each word of Romani spoken, refusal of access to camps and clubs, and the shaving of Romani children's heads.[147] Although such punishments exist only in rare exceptions today, the stigma on the Romani language remains and assumptions about the inherent inferiority of Romani continue to affect attitudes in the Czech Republic. The recommendations accompanying the *Council for Nationalities Report,* for example, refer to "linguistically and socio-culturally disadvantaged backgrounds".[148] There is no recognition of potential bilingualism for Czech and Romani speakers in the Czech Republic.

Under Communism, authorities discouraged Roma from speaking Romani. Many Roma therefore began to speak Czech, even at home. The Czech they spoke, however, was recognisably different from non-Romani Czech: characteristic grammatical, syntactic and lexical elements from Romani were translated literally into Czech. In addition, many Slovak words were favoured over their Czech equivalents. This variety of Czech, still spoken by

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[145] Most Romani-speaking Roma in the Czech Republic speak a "Northern" dialect known as Slovak Romani. This is similar to other Romani dialects historically spoken in Hungarian-dominated parts of the Austro-Hungarian empire. Such dialects were referred to as "Romungri" and Slovak Romani may possess more speakers today than any other of the Rumungri dialects remaining. In addition to Slovak Romani speakers, there are also speakers of Vlach Romani, whose dialects link them historically with southern Romania, but are influenced by their more recent Czechoslovak milieu. There are also small numbers of speakers of Sinti, Baltic or Balkan Romani dialects in the Czech Republic, but in numerically insignificant numbers among Romani children with access to the school system. This situation may change if, for example, significant numbers of Bulgarian, Romanian or ex-Yugoslav Roma – present among both asylum seekers and immigrants in the Czech lands since 1989 – establish homes and communities in the Czech Republic.

[146] See Kamenická, *Op. cit.*, p.34; and Šebková, *Op. cit*, p.9.

[147] Milena Hübschmannová, Speech to Czech Writers' Union, December 10, 1997, Prague.

[148] *Council for Nationalities Report*, Recommendations, 1a.

many Roma in the republic, is known as a Romani "ethnolect".[149] Features specific to the Czech Romani ethnolect, such as different usage of prepositions or verbs of motion, are usually judged – especially by teachers – to be wrong in comparison with literary Czech.

Romani parents often use this ethnolect with their children. The linguist Milena Hübschmannová has noted that this level of commitment to a version of the Czech language is a strong indication of the level of commitment of Romani parents in the Czech Republic to education: "Parents want their children to study, and the proof of this is that they try to speak Czech with them."[150]

The problem of language infects the evaluation process and is also permanently present in all aspects of the interaction between Roma and the Czech school system. As historian Ctibor Nečas writes:

> The majority even of those children who now know little or no Romani fail in the teaching language and have disproportionate problems in understanding national history and geography and other subjects dependent upon the language. This is because, while their mother language is not Romani in its formal structure, its structure continues to be present and to be expressed in indirect ways.[151]

Other Roma who moved or are descended from persons who moved from villages – especially in southern Slovakia – where the majority community is ethnic Hungarian, often speak Hungarian as their home language or language of greatest competence. These Roma find themselves alienated in ways rarely understood even by other Roma. One native Hungarian-speaking Rom from Brno told the *ERRC*:

> My culture is Hungarian Gypsy – we are the people of the *primáš* – the virtuoso fiddle players in the Hungarian style. We were the best Czechoslovaks – Hungarian-speaking Gypsies from Slovakia in the Czech lands. What better,

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[149] On The Romani ethnolect of Czech, see Hübschmannová, Milena, *Šaj pes dovakeras – Můžeme se domluvit,* Olomouc: Vydavatelství Univerzity Palackého, 1995; Žlnajová, Edita, *Pojmový svět žáků prvního ročníku základních škol z hlediska romštiny,* Prague: Občanské Sdužení MENT, 1995; Šebková, *Op. cit.*

[150] Milena Hubschmannová, Speech to Czech Writers' Union, December 10, 1997, Prague.

[151] Nečas, 1995, *Op. cit.*, p.48.

> more international Czechoslovaks could they have wanted? Since the break-up of the state we are orphans. The break-up of Czechoslovakia hit everybody badly: we Czechs are poorer, the Slovaks are poorer. I am a Czech, a Slovak, a Gypsy and a Hungarian. My first language is Hungarian.[152]

Finally, communication depends heavily on non-linguistic signals. Romani children, coming from Romani environments, often meet with non-Romani culture for the first time on their first day of school. Here they are confronted with the extremely alien figure of the (in almost all cases) non-Romani teacher. They do not understand this person and their almost completely alien system of signals and sounds. As a result, even in cases in which the home language of the Romani child at issue is Czech, there is a strong probability that the Romani child will not understand what is being said to her.

Psychologists assessing young Romani children and teachers working with Romani children must be able to judge whether in fact the child understands them and trusts them enough to make the effort of continued understanding; also, both those responsible for assessing children and the education system as a whole must be prepared for the existence of a non-standard ethnolect of Czech or Czecho-Slovak. Unfortunately, the will to make this recognition of cultural plurality within Czech society is often absent. Professor of special education and former remedial special school teacher Miroslava Bartoňová, when asked what percentage of Romani pupils in remedial special schools did not actually have learning disabilities, told the *ERRC*, "It is impossible to know – as a teacher, you only know that they aren't responding."[153] One educational psychologist in Ostrava responded to the problem raised by the *ERRC* by exclaiming, "Why shouldn't they know Czech? They've been here long enough! We believe that there must be a unified criterion in education. Otherwise the whole school would have to adapt to them!"[154]

4.5. Placement in Remedial Special Schools for Reasons Unrelated to Learning Ability

Romani children are often placed in remedial special schools, regardless of their IQ results, for reasons unrelated to learning ability or linguistic difference. Some Romani

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[152] *European Roma Rights Center* interview with Mr Tibor Krištof, February 5, 1999, Brno.

[153] *European Roma Rights Center* interview with Dr Miroslava Bartoňová, February 5, 1999, Brno.

[154] *European Roma Rights Center* interview with Dr A.L., October 31, 1997, Ostrava.

children are placed in schools for the mentally handicapped for behavioural reasons. Other Romani children have reportedly been placed in remedial special schools for reasons entirely unrelated to learning.

One example of a non-Romani boy sent to a remedial special school for behavioural difficulties was provided to the *ERRC* by remedial special school teacher Ms F.S.:

> We had one boy who was hyperactive, and had behaviour difficulties in his first year at school. He was moved from one school to another, and when he came to us, his mother was so relieved that she put him with us and he never received any examination from psychologists. When he was, finally, examined, two and a half years later, it turned out that his intelligence was well above average, but it was too late for him to get back to a basic school because he would already have been too far behind.[155]

Schooling authorities in the Czech Republic also told the *ERRC* of Romani children being transferred to remedial special schools because they were unhappy, isolated and introverted in basic school classes.

In 1995, the Ministry of Education acknowledged that transfers on behavioural grounds had taken place when it issued a decree establishing basic school equivalency classes for graduates of remedial special school:

> A further [...] group of pupils are those with behavioural problems, transferred to remedial special schools more commonly because they disturbed basic classes rather than because of actual mental insufficiency. In the population there is therefore a considerable percentage of remedial special school graduates who would not only be capable of completing a basic school education, but express a serious interest in such a possibility.[156]

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[155] *European Roma Rights Center* interview with Ms F.S., December 12, 1997, Prague.

[156] Ministerstvo školství, mládeže a tělovýchovy, "Metodický pokyn k doplnění vzdělání poskytovaného základní školou pro absolventy zvláštních škol" [Methodological suggestion for the completion of an elementary school education for graduates from remedial special schools] (No. 17.908/95-24), 1995. Such classes are provided under Schools Law Article 60. The existence of provision for such classes disproves the claim, sometimes heard, that a remedial special school education is as good as any other.

Some Romani children have been enrolled in remedial special schools for reasons either only vaguely related, or entirely unrelated, to learning. Veronika Kamenická writes that she: "Met children who had been moved to remedial special schools for entirely 'nonsensical' reasons – for example, they did not bring the required instruments to school, they disturbed lessons by arriving late, or they failed in other ways to adapt at once to the school regime."[157] Remedial special school teacher Ms F.S. spoke of one boy "who was sent to us because he walked badly; we managed to send him back."[158] In this way, remedial special schools become a dumping ground for Romani children who have any kind of problem in basic schools.

4.6. Enrolling Roma in Remedial Special Schools

The ethnic basis of decisions to enrol Roma in remedial special schools is usually denied. In the past, however, this was not the case. A former remedial special school teacher in Prague remembers having seen, in the educational psychologists' recommendations for children to remedial special schools, such references as "the child is from a Gypsy family, and it is therefore assumed that he will not be able to cope with the basic school curriculum."[159] This former teacher, and the others interviewed for this report, agree that such explicit formulations are a thing of the past. References to Roma have been replaced with the language of "social disadvantage" or "sociocultural handicap". Despite such changes in formulation, however, discriminatory assumptions about the intelligence, ability, and schooling potential of Romani children remain.

There are also incentives accorded remedial special school officials to seek the acquisition of pupils, and this often results in vigorous recruitment efforts aimed at the Romani community, primarily motivated by the racist conviction that Roma are easy to persuade in this area. Threatened with the closure of their schools if they fail to attract enough pupils, remedial special school teachers and directors resort to recruitment to boost flagging enrollment. Romani activists in Ústí nad Labem report that as recently as the school year 1997-1998, authorities from remedial special schools came to Romani neighbourhoods such as Matiční street in order to recruit children for remedial special schools.

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[157] Kamenická, *Op. cit.*, p.10.

[158] *European Roma Rights Center* interview with Ms F.S., December 12, 1997, Prague.

[159] *European Roma Rights Center* interview with Helena Jiřincová, November 11, 1997, Prague.

One former remedial special school teacher in Ostrava similarly told the *ERRC* of efforts by the director of the Poděbradova remedial special school to enrol Romani children in the school:

> One appalling incident that happened to me when I was a teacher at remedial special school was that the deputy director requested that I visit the various doctors in the area to find out how many Romani children were approaching the age of six for that year. The deputy director wanted me to obtain a list of such pupils so that they could all be enrolled into our remedial special school. In particular she explained to me that she wanted to fill up all the places available at the school for the forthcoming year. I was so horrified that the deputy director was apparently assuming that Romani children should, simply because they are Roma, attend remedial special school, that I refused to go. She also forced me to go to Romani families to request that the children be sent to our remedial special school.[160]

The Ibsenova remedial special school, also in Ostrava, for some time recruited Romani children by distributing a colour brochure showing Romani children engaged in various activities.

Some officials publicly acknowledge the ethnic basis for the decisions which place a sizable proportion of Romani children in remedial special schools. Director of the Department for Special Schools at the Ministry of Schooling, Youth and Physical Education Mr Jiří Pilař, for example, told the *ERRC*: "the decision to allocate is mainly due to the colour of [the Romani child's] skin."[161]

Other high level officials are still content to argue that Romani pupils belong in remedial special schools for genetic reasons. Ms Marta Teplá of the Department of Special Schools of the Ministry of Schooling, Youth and Physical Education, for example, told the *ERRC* in January 1999:

> Romani children simply do not have a high enough IQ to manage normal schooling. If you studied anything about them, you would know that they stick

[160] *European Roma Rights Center* interview with Olga Hrdinová, November 15, 1998, Ostrava.

[161] *European Roma Rights Center* interview with Mr Jiří Pilař, January 18, 1999, Prague.

together, they get married in those large families, and they have children with genetic problems. You can see this just by looking at their names: Lakatoš, Tancoš, Torač…"[162]

[162] *European Roma Rights Center* interview with Ms Marta Teplá, January 18, 1999, Prague. Ms Teplá expressed her opinions in the presence of a person whose family name is Tancoš.

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5. ABUSE IN REMEDIAL SPECIAL SCHOOLS

Although for the most part remedial special schools are reported to be comfortable places where Roma can be with their friends and are expected to do little in the way of classwork, some Romani parents and children reported abuses in remedial special schools. One Romani pupil at the Karasova remedial special school in Ostrava told the *ERRC* that her physical education teacher beat children, grabbed them by the face and shook them, used foul language with them, and prevented them from using the toilet. Another Romani parent, Ms H.B., reported that her daughter had been badly beaten in Autumn 1998 by a teacher at the Na Vizině school in Ostrava. She subsequently had problems with her shoulder and had to be kept home for one week. A doctor documented her injuries, but Ms H.B. did not file a complaint either with the police, nor with the headmaster. According to Ms H.B., the latter is a racist.

Ms Božena Dudi-Kot'iová, a Romani assistant at the Přemysl Pitter parochial school in Ostrava, told the *ERRC* that in the early days of the school, before it had its own building, she witnessed abuses of pupils at the Ibsenova remedial special school:

> For one year the Pitter school did not have a school building, so we used the school building of the Ibsenova remedial special school and we shared a common kitchen and dining hall with them. I did not like what I saw there. Some teachers asked us why we sat at the same table with the children, as if this were something bad. There was a teacher there who drank. Most of the teachers there were in the habit of slapping children on the head if they did something wrong.[163]

Ms Eva Tokárová, a Romani mother in Ostrava, made similar allegations concerning abuse of her son David at the Kapitana Vajdy remedial special school in Ostrava:

> One day when he was attending the third class he came home from school crying because the teacher had hit him. When I asked him why, he replied that he was hit because he had thrown the schoolmate's things from the desk to the

[163] *European Roma Rights Center* interview with Ms Božena Dudi-Kot'iová, April 29, 1999, Ostrava.

> floor. The class teacher had slapped him three times and hit him on the back. I knew that she was not allowed to hit children but I reprimanded David that he should not behave badly at school and did not want to make a fuss about it because I did not want the teacher to pick on him. But when my son continued to complain about the teacher calling him 'Gypsy pariah', I ran out of patience and went to the school. To my surprise, I witnessed the same teacher hitting my son in the back with her fist, only because he did not form a pair with another child in the corridor. We had a row when I told her that she did not have the right to attack my son physically and she said that she is not able to handle Gypsies and that she did not have enough patience for them and that she had a particular aversion for my son. After this argument, I went to see the principal in order to solve the problem and the principal promised me that it would not happen again, but after a few months the insults and attacks happened again. [...] When I went again to see the principal she did not want to talk to me and left me waiting in the corridor for one and a half hours and then told me that she did not have time.[164]

David Tokár was subsequently transferred from remedial special school to a children's home. Former remedial special school teacher Pavel Kuchař reported to the *ERRC*:

> Some teachers [at the remedial special school at which I used to work] openly expressed that to work with Gypsies was useless.[165]

[164] *European Roma Rights Center* interview with Ms Eva Tokárová, April 19, 1999, Ostrava.

[165] *European Roma Rights Center* interview with Mr Pavel Kuchař, February 1, 1999, Prague.

6. GETTING OUT OF REMEDIAL SPECIAL SCHOOLS

In October 1997, when the *ERRC* first met with her, Alžběta was an eight-year old Romani girl living in temporary housing in Ostrava for victims of the summer 1997 floods that destroyed much of the city. In early 1996, before she started school, she was sent, at a doctor's recommendation, to an educational psychologist. The psychologist recommended that she be sent to remedial special school. She completed the first year there.

In September 1997, her brother, Jakub, at that time six years old, started to attend the same remedial special school. According to his mother, 24-year-old Ms A.G., he was never seen by the psychologists, but was sent straight to the remedial special school after his parents requested that he be sent there. Ms A.G. said that they had decided to do this because the remedial special school is near to their house, and because they did not want to have two children in different schools. Ms A.G. is physically handicapped and uses a wheelchair when she has to move any distance. Her partner, and the father of her two children, is a Slovak citizen without permanent residence in the Czech Republic, and the family therefore does not receive child benefit.

Jakub had effectively been consigned to a school for children with learning disabilities despite the fact that he had never been diagnosed as having any disability. A volunteer then took them to the psychologists to be tested – in Alžběta's case, retested. The psychologists found that Alžběta had improved since her previous test and recommended her for transfer out of the remedial special school. The remedial special school had nnot attempted to move her back into a mainstream school. Her brother was found not to have needed remedial special school at all. The children subsequently both started attending the Přemysl Pitter school, a parochial school in Ostrava.[166] In January 1999 it was reported to the *ERRC* that Jakub and Alžběta had moved out of the temporary housing of the Liščina neighbourhood and away to another town, where they were both attending a mainstream basic school and doing fine. A third child moved from remedial special school to the same parochial school at the same time as Jakub and Alžběta managed to acquire only permission for a move to that particular school, and not to normal schools *per se*.

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[166] Information on Alžběta and Jakub (not their real names) based on: *European Roma Rights Center* interview with Ms A.G., October 31, 1997, Ostrava; *European Roma Rights Center* interview with Kumar Vishwanathan, October 30, 1997; *European Roma Rights Center* interview with and Dr A.J., educational psychologist, October 31, 1997, Ostrava; *European Roma Rights Center* interview with Dr T.A., educational psychologist, October 31, 1997, Ostrava.

The transfer of Jakub and Alžběta back to parochial school took place only as a result of persistence and commitment on the part of Romani and non-Romani human rights activists in Ostrava. These report that they met with obstruction and hostility at nearly every point in the process. In January 1999, more than one year after the transfer, the non-governmental organisation responsible for having successfully moved the three children out of the remedial special school was still unable to obtain information as to whether they had even required a psychologists recommendation for the transfer out of the remedial special school. Some experts had told them that the recommendation was required, while others had stated that there were no regulations at all on the subject. One remedial special school, responding to a request for information by the *Association of Roma in Moravia* as to how many Romani pupils had been transferred from remedial special school to basic school during the 1997-1998 school year wrote, "transfer from remedial special to basic school is not possible."

Two remedies exist for misallocation to remedial special schools: remedial special school directors may transfer pupils back to a normal school when they no longer need remedial special education; or requalifying classes may be taken to convert a remedial special school leaving certificate into a basic school one. Neither has to date proven adequate in according a realistic possibility for correcting the unjust placement of Romani children in remedial special school.

6.1. Transfer to a Mainstream Basic School

The 1997 Special Schools Decree provides for the possibility of return from a remedial special school to a normal basic school:

> If it happens in the course of the child's or the pupil's attendance of special kindergarted or special school that the character of the handicap of the child or pupil changes, or if the special kindergarten or special school ceases to be appropriate to the level of handicap of the child or pupil, the director of the special kindergarten or special school in which the child or pupil is placed is required, after consultation with the pupil's guardian, to make a suggestion for the transfer of child or the pupil to a different special kindergarten or special school or to a kindergarten or a basic or secondary school.[167]

[167] Article 6(2), 1997 Special Schools Decree.

There are, therefore, legal provisions requiring ongoing review of the educational needs of the remedial special school child, who should be transferred out of the school as soon as it becomes apparent that he or she is not mentally handicapped.

Director for the Department of Special Schools at the Ministry of Schooling, Youth and Physical Education Mr Jiří Pilař told the *ERRC* on January 18, 1999, that transfer back into a basic school is contingent upon an exam, prepared by the target basic school, evaluating whether or not the pupil is prepared for basic school education. According to Mr Pilař, the Ministry expected that pupils in remedial special school with all "ones" – the best mark in the Czech school system – would be transferred to basic schools.

In practice, prior to the issuing of instructions by the Ministry of Schooling, Youth and Physical Education in 1998 that remedial special school directors should transfer pupils capable of basic education to normal basic schools, directors did not do so. Since the issuing of these instructions, the *ERRC* is aware of several attempts by remedial special school directors to transfer individual pupils to basic school. In the few known instances, the pupil concerned was often returned to remedial special school within a short period of time.

One remedial special school teacher interviewed recalled the procedure being used: "We had one boy, he wasn't Romani actually, who had behavioural problems, and who caught up in a year and was sent back."[168] A Romani assistant at the Sekaninova remedial special school in Brno told the *ERRC* in February 1999 that one pupil had been transferred from that school to basic school on the basis of the Ministry's instructions, but had soon returned, behind and unprepared for basic school education. A child from a mixed Romani/Vietnamese marriage was reportedly transferred to basic school from the first class of the Poděbradova remedial special school in Ostrava during the 1997/1998 school year.

Of the eighteen basic schools in Ostrava which responded to an *ERRC* questionnaire in March 1999, all reported that no pupils had transferred to their school from a remedial special school during the 1997-1998 school year. In reality, once children have missed a year or two of basic school, they are too far behind to catch up with the curriculum, so remedial special school heads could not easily send them back even if they wanted to.

Psychologists indicated to the *ERRC* that professional considerations mitigate against their willingness to agree to such transfers. Dr Petr Klíma, for example, told the *ERRC*,

[168] *European Roma Rights Center* interview with Ms P.S., December 12, 1997, Prague.

"Children are returned to normal schools very occasionally. Our aim is to make accurate diagnosis initially so that this does not have to happen. If a child has to be moved back, we haven't done our job properly."[169]

At present, the transfer of children from remedial special school to basic school is almost exclusively the prerogative of schooling authorities, primarily the remedial special school director. A decision to move a child from a remedial special school to a basic school would depend on the good will of remedial special schools to part with their pupils and also of basic schools to accept and provide adequate protection and support to Romani pupils and their parents. It could also depend upon the willingness of psychologists to review their decisions. In the present circumstances, a transfer of a Romani child such that the child actually remains in the basic school and is not soon transferred back to remedial special school would also require an extensive net of support services for the pupil, family and recipient school. This combination of factors does not exist at present, so Romani pupils in special schools are effectively not being transferred to basic schools.

6.2. Late Remedy for Remedial Special School Graduates: Requalifying Classes

A 1995 decree by the Ministry of Schooling, Youth and Physical Education establishes courses for requalification for persons who passed through the special education system in the 1970s and 1980s but who did not belong there.[170] The courses are supposed to be held at basic schools. Conditions for acceptance are "completed obligatory school attendance and the recommendation of the appropriate local educational psychologists' office."[171] Both educational psychologists and Ministry officials cite these classes as evidence that a child sent to remedial special school still has possibilities for full qualification.

In practice, this option is offered to very few students. In Ostrava, for example, the *ERRC* is aware of one school – the Generála Píky basic school – that has offered this programme for two years. According to figures provided by the school, as of April 1999, 23 pupils were attending the course, none of whom were Roma.

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[169] *European Roma Rights Center* interview with Dr Petr Klíma, July 8, 1997, Prague.

[170] Ministerstvo školství, mládeže a tělovýchovy, "Metodický pokyn k doplnění vzdělání poskytovaného základní školou pro absolventy zvláštních škol", *Op. cit.*, 1995. Such classes are provided under Schools Law Article 60.

[171] *Ibid.*

It is clear from the formulation of the instructions that these classes are primarily conceived for adults wishing to return to education. The project is made less viable by the fact that basic schools often do not provide these courses if there is not a sufficient number of students requesting them. In many instances, there is insufficient demand to make a course actually run. There is no reason why the educational rights of one person should depend on her ability to organise a group of persons in a similar situation.

Finally, the requalifying year involves the effective loss of a year for a student who would actually have been capable of basic education anyway.

It is not a serious remedy for a seven-year-old child placed in remedial special school that at the age of fifteen he or she will be allowed the chance to return to mainstream school. Ministry instructions provide for a course to rectify the results of discrimination in the past. These cannot be quoted to support the idea that remedial special school pupils have adequate remedy for inappropriate placement, nor were such schools ever intended for this purpose.

6.3. No Effective Remedy

According to school authorities in the Czech Republic, Romani parents are not supposed to request the transfer of their children from remedial special school to basic school. In principle, a line of administrative appeal exists; a parent seeking the transfer of his child to basic school would first place a request with the director of the remedial special school. If this were turned down, he could appeal to the school bureau under whose competence the school was located. If that failed, he could lodge an appeal at the Ministry. His final chance for remedy in the domestic courts is an appeal at the Constitutional Court.

Most schooling authorities with whom the *ERRC* spoke, however, held that the decision was the sole prerogative of the remedial special school director. One psychologist in Ostrava for example told the *ERRC* that parents cannot initiate a transfer procedure on behalf of their children: "That's the job of the remedial special school head."[172]

[172] *European Roma Rights Center* interview with Dr A.J., October 31, 1997, Ostrava.

Parents can, in theory, turn to local school bureaus or the Ministry as appeal instances and, failing success in appealing for transfer, file a complaint at the Constitutional Court. No one with whom the *ERRC* spoke could remember any successful uses of such avenues of appeal.

Finally, the Czech Republic is lacking adequate civil law provisions providing recourse for persons alleging discriminatory treatment on racial grounds in the field of education, although since March 1996 the Council of Europe has called attention to the lacuna.[173] Numerous independent organisations have appealed to the Czech government to adopt specific anti-discrimination legislation.[174]

[173] See European Commission against Racism and Intolerance (ECRI), *Legal Measures to Combat Racism and Intolerance in the Member States of the Council of Europe*, Strasbourg, March 21, 1996.

[174] See especially *European Roma Rights Center*, "Written Comments of the *European Roma Rights Center* Concerning the Czech Republic for Consideration by the Committee on the Elimination of Racial Discrimination at its Fifty second Session, 6-9 March, 1998", *Op. cit.*

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7. REMEDIAL SPECIAL SCHOOLS AS ROMANI GHETTOS; OPAVA DISTRICT AS CZECH MICROCOSM

The *ERRC* visited Opava, a large town in northern Moravia, over the course of several days in February 1999. Opava provides a useful overview of a dynamic at work in the Czech Republic as a whole, where remedial special schools for mentally handicapped children are becoming Romani ghettos at an ever-increasing rate.

The *ERRC* first visited the Dvořákovy sady remedial special school in the centre of the town of Opava. There is no Romani assistant working at the school. School director Ludmila Mücková presented the *ERRC* with a table listing children as Romani or non-Romani according to class in the school. Romani children are listed under a category called "number of gyp. children in class" ("počet cik. dětí ve třídě"). From this table, it was possible to learn that the Dvořákovy sady remedial special school has a total of 109 pupils, 39 of whom are Romani.

In addition, there is a preparatory pre-school class at the Dvořákovy sady remedial special school. All fifteen of the pupils in the class are Romani. The preparatory classes, called "preparational year for children from socio-culturally disadvantaged environments" *(přípravný ročník pro dětí ze sociokulturně znevýhodněného prostředí)*, were established nationally as preparatory classes for Roma. Their clumsy, euphemistic name is a contortion designed to hide this, but the preparatory classes are explicitly a part of the January 1998 Ministry of Schooling, Youth and Sport decree "Alternative Educational Programme of Remedial Special Schools for Pupils of Romani Ethnicity".[175]

According to the July 1997 Czech government report to the Committee for the Elimination of Racial Discrimination (CERD), in the 1993/94 school year, there were 18 such classes comprising more than 200 pupils; in 1994/95, there were 30 preparatory classes with approximately 350 pupils; in the 1995/96 school year there were 36 such classes comprising 433 pupils. The Czech government reported to the CERD that the objectives of the preparatory classes – often referred to as "zero-years" – were "consistent and systematic guidance targeting not only language skills – the children should learn enough Czech to cope with the basic school requirements – but also social adjustment."[176]

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[175] Ministerstvo školství, mládeže a tělovýchovy, "Alternativní vzdělávací program zvláštní školy pro žáky romského etnika", *Op. cit.*

[176] See "Czech government report to the Committee for the Elimination of Racial Discrimination, 17 July 1997 State Party Report of the Czech Republic, CERD/C/289/Add.1", pt. 135(a).

Undermining the government's claims that the preparatory classes are intended to prepare Roma for basic education, however, is the fact that many of the zero-year classes created have been created at remedial special schools. The "preparatory" or "zero-level" classes often called for by educators and Romani activists as a valuable measure for the integration of Roma into the mainstream school system do not appear to be being implemented in good faith. Where the classes exist – and their implementation appears to depend on the good will of individual school directors – they often seem to be found in remedial special schools. For example, of four zero-level classes existing in Ostrava in February 1999, two were located in remedial special schools: one in the Halasova/Erbenova remedial special school in Vítkovice and one in the Karasova remedial special school in Marianské Hory. Only two zero level classes were located at any of the 70 basic schools in Ostrava – the Gebauerova basic school in the centre of Ostrava and the Jiří z Poděbrad basic school in Vítkovice. In Brno, the situation is similar. There were six zero year classes in existence in Brno as of May 1999, and three of these were at remedial special schools. Romani pupils are for the most part not being prepared for integration into the normal school system as a result of the creation of zero-year classes, but are rather being channeled into schools for the mentally handicapped. The "preparation" is for the segregated school system.

The zero-year classes would be unnecessary if kindergarten were free in the Czech Republic and efforts were made to integrate Roma at the kindergarten level. As it is, many Roma remain excluded from kindergarten due to the prohibitive cost of kindergarten and racist hostility to Roma.[177]

From the Dvořákovy sady school, the *ERRC* went to an educational psychologists' centre located almost in the same building on the Rybí trh. Director Strossová told the *ERRC* that during the 1997-1998 school year, approximately 2400 pupils visited the Rybí trh centre for psychological evaluation or treatment of various kinds. Of these, 34 children had been basic school pupils recommended for psychological evaluation as part of a referral to remedial special school. Of these thirty-four children, fourteen were Romani. Dvořákovy sady remedial special school director Mücková told the *ERRC* however that since the creation in January 1994 of a special pedagogical centre called *Srdce*, located within the school building of the Slezský odboj remedial special school, the other remedial special school in Opava, the Dvořákovy sady school had almost entirely ceased using the Rybí trh centre to evaluate prospective students. Director Strossová agreed that many more pupils came for evaluation before the *Srdce* centre had opened.

[177] Until 1992, kindergarten was free and most children attended. The decline in kindergarten attendance since fees were introduced has been disproportionately seen among the socially weak Romani population (See Conway, Laura, *Op. cit.*, p.18).

The pedagogical community of Opava was unified in its agreement that in order to learn the most about the education of Roma in the Opava area, it was necessary to visit the town of Vítkov, approximately 25 kilometres southwest of Opava, where a local remedial special school director has made a name for herself as particularly committed to Romani education. The *ERRC* therefore visited the Vítkov remedial special school in the afternoon of February 15. The school is attended by 95 pupils, 80 of whom are Romani. Since September 1998, the Vítkov remedial special school has had a first normal basic school class, comprising ten pupils, all of whom are Romani. The school also has a preparatory class with twelve pupils, all of whom are Romani. There is, additionally, an auxiliary class with six pupils, four of whom are Romani. Director Dušková told the *ERRC* that approximately five years ago the population of the school became more than 50% Romani and at that point they decided to acknowledge that the school was a Romani school and act accordingly. She described a number of programmes she had undertaken, including integration into the curriculum of information about Romani history, culture and prominent Romani personalities, a parent-friendly approach, and a range of after-school activities, the result of which was a number of positive developments including a boost in school attendance by three hundred percent.

The drawbacks to what is otherwise evidently a remarkable school run by a committed and energetic director are seen only when the school is put in the wider context. First of all, Director Dušková told the *ERRC* that since the school has gained a positive reputation among local Romani children, Romani parents struggling to keep their children in the Romani-hostile world of Vítkov's basic schools now complain that their children wish to be transfered to the remedial special school because they have siblings or friends there. It is apparent that the school is becoming more-and-more a Romani island. Director Dušková told the *ERRC* that her colleagues at other schools regard her as brave and strange for having taken on Romani pedagogy. She told the *ERRC* that most non-Romani teachers' attitude in the town was "I wouldn't be able to bear it." She reports that prospective teachers had declined work at the school when finding out "what sort of school it is."

After visiting the Vítkov remedial special school, the *ERRC* returned to the city of Opava and went to the second remedial special school there, the Slezský odboj remedial special school. This school also houses the *Srdce* centre, mentioned above, and the director of the school is also the director of the centre. *Srdce* has a professional staff of two special pedagogues and one psychologist, and the centre functions as a testing centre for the evaluation of children for remedial special school, as well as an outreach program for the Opava district for children requiring special education but who live far from a remedial special school.

During the *ERRC*'s first visit to the school and centre, nearly everyone competent to speak on the subject of Roma in remedial special schools was ill. Employees of the school

who were present agreed, however, to produce a list of Romani children in remedial special schools and auxiliary schools in the Opava district. These then produced complete school lists and, in the presence of the *ERRC*, began counting Roma, according to Romani-sounding last names. Last names common to both Roma and non-Roma in the Czech Republic, such as "Holub", were discounted. This method of counting Roma in remedial special schools – bound to underestimate the number of Romani children in such institutions – produced the following results:

REMEDIAL SPECIAL SCHOOL	TOTAL PUPILS	ROMANI PUPILS
Při psychiatrické léčebně	18	2
Dostojevského	40	8
Dubová	40	8
Dvořákovy sady	124	54[178]
Slezský odboj	138	43[179]
Velké Heraltice	35	16
Vítkov	95	80[180]
Budišov	34	16
Hlučín	97	16

This attempt at counting Roma in remedial special schools and auxiliary schools in the Opava district was assisted by the fact that someone from the Hlučín school – evidently the person who had submitted the list of pupils – had placed a green mark next to sixteen names, all of which are common Romani names. The imprecise count of Roma in remedial special schools in the Opava district, an area without a high Romani population, yielded the result that of 621 pupils receiving remedial special education in February 1999, 243 were Romani.

The *ERRC* returned to Opava on February 18 and interviewed Slezský Odboj remedial special and auxiliary school assistant director Helena Dobrušová. She presented the *ERRC* with a table indicating that of the 167 pupils in the school as a whole, 45 were Romani in February 1999. However, 29 pupils in the school were not remedial special school pupils: 20 were pupils in the auxiliary school; 9 were pupils attending a preparatory level *(přípravný stupeň)* for the auxiliary school. Of these 29 pupils, one auxiliary school pupil was Romani and one of the pupils in the external program was Romani. Taken alone, Roma constituted 43 of 138 pupils in the remedial special school. Nine pupils have recently been enrolled in

[178] Precise figures provided by the school.

[179] Precise figures provided by the school.

[180] Precise figures provided by the school.

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the Slezský odboj remedial special school. Of these, five have been enrolled in the first class, one in the third, one in the fifth and one in the eighth. Three of the newly enrolled pupils are Romani; all of them entered in the first class.

Assistant director Dobrušová told the *ERRC* that she had been employed at the Slezský odboj school since 1972. During that time, she remembered only one case of a Romani child who was seriously mentally handicapped; "Roma more commonly incline toward light defects of understanding *(lehké rozumové defekty)*, in some cases in combination with hearing problems."[181] Assistant director Dobrušová was aware of two instances in which children had transferred from the Slezský odboj school to a normal school. These were in the period 1972-1974, "before the existence of the educational psychologists' centre."[182] One of these pupils later returned to the Slezský odboj school.

According to assistant director Dobrušová, there is no preparatory zero-year class at the school. They have a Romani assistant, with whom they are very satisfied.[183] After meeting with assistant director Dobrušová, the *ERRC* met with Dr Věra Juříčková, the psychologist working at the *Srdce* centre. The *Srdce* centre functions as the main educational psychologists' centre involved in the placement of children in the Opava district. Dr Juříčková told the *ERRC* that during the school year 1997-1998, her office had reviewed 86 pupils for possible placement in remedial special school in entering classes. Of these, fifteen were Romani. Her recommendations, and the ultimate placement of the child in the school year 1998-1999, are as follows:

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[181] *European Roma Rights Center* interview with assistant director Helena Dobrušová, February 18, 1999, Opava.

[182] *Ibid.*

[183] *Ibid.* Romani assistants are a relatively recent addition to Czech schools. According to a March 1998 directive of the Ministry of Schooling, Youth and Physical Education, the main tasks of Romani assistants are "pedagogical assistance to the teachers of the school through communication with Romani pupils; through individual access to pupils and the reduction of training and educational difficulties; help during extra-curricular and after-school activities; co-operation with pupils' families; and co-operation with the Romani community in the locality of the school." (see Ministerstvo školství, mládeže a tělovýchovy, "Informace o zřízení funkce romského asistenta v základní a střední škole č.j. 14 170/98-22", March 3, 1998, unofficial translation by the *ERRC*). According to teachers and school directors with whom the *ERRC* spoke, in the schools which have implemented it, this programme has been successful in overcoming many of the barriers between, especially, Romani parents and school authorities. However, the effectiveness of the Romani teaching assistant programme is threatened by the insecurity faced by schools and assistants alike over funding. Legal provisions establishing the assistant's function have stopped short of guaranteeing central government financing. As a result, the distribution of Romani teaching assistants depends upon the motivation and finances of individual schools, and there is no assurance that the needs of the Romani community will be met.

Pupil	Tested IQ	Recommendation	Placement
A.B.	68	deferral – parents did not agree to remedial special school placement;	1st class remedial special school;
J.D.	84	after deferral and stay in a psychiatric hospital, first class remedial special school;	1st class remedial special school;
Z.M.	75	deferral – parents do not consent to remedial special school;	1st class remedial special school;
P.C.	64	1st class remedial special school after deferral;	1st class remedial special school;
M.O.	65	1st class remedial special school after deferral;	1st class remedial special school;
E.O.	75	deferral;	deferral;
I.B.	66	deferral;	deferral;
M.P.	67	deferral;	1st class basic school; after two months transferred to 1st class remedial special school;
M.C.	102	deferral;	deferral;
E.G.	92	deferral;	deferral;
R.H.	72	after deferral, 1st class remedial special school;	1st class remedial special school;
N.G.	103	1st basic school;	1st class basic school;
M.K.	83	after deferral, 1st class basic school;	1st basic school;
L.O.	81	after deferral, 1st class basic school;	1st class basic school;
A.F.	87	after deferral, 1st class basic school;	1st class basic school.

According to the figures provided by Dr Juřičková, of fifteen Romani children reviewed during the 1997-1998 school year, six had been enrolled in remedial special schools in the 1998-1999 school year, four were still in deferral and five had entered basic school. Among the six Romani pupils enrolled in remedial special schools, three have measured IQs over the 50-69 range provided by the *World Health Organisation* as constituting light mental retardation.[184] Perhaps most remarkable about the figures provided by Dr Juřičková is the fact that in all but one case, she recommended that the child defer enrollment for one year and not begin school at all.

[184] See World Health Organisation, "Revision of the World Health Organisation", Geneva: 1992. http://www.who.org

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8. CZECH BASIC SCHOOLS: SOURCE OF DAMAGED ROMANI CHILDREN

Roma are found in high numbers in the remedial special school system as a direct result of deficiencies in the normal basic school system. The extent of the slide of Roma from basic schools into remedial special schools is simply astounding when viewed up close. At the Gebauerova basic school in Ostrava, during the 1998-1999 school year, according to a written statement provided by the school in March 1999, 97 Romani pupils attended the school, including fifteen in a zero-year preparatory class; five had been transferred to remedial special school during the 1997-1998 school year. Director Hermannová of the Jiří z Poděbrad school in the Vítkovice neighbourhood of Ostrava – another school with a preparatory zero-year class – provided the *ERRC* with figures on rates of transfer from her school to remedial special schools during years zero and one. According to these statistics, although no pupils had transferred from her school to a remedial special school in the school year 1997/98, nine had transferred the previous year, sixteen had transferred in 1995/96, and eight had transferred in 1994/95, the first year with a zero-level preparatory class. Although she was unable to say with certainty, Ms Hermannová thought that most of the transferring pupils had been Romani.[185] At the Jugoslavská basic school in Ostrava-Zábřeh, according to information provided by the school on December 21, 1998, fifteen Romani pupils were attending the school and one Romani pupil had been sent to remedial special school during the previous school year.

The disappearance of many Romani pupils from the mainstream school system is evident when one looks at the class profiles of basic schools in areas where Roma live in significant numbers. A letter from the deputy director of Generala Piky school in Ostrava indicated that the school had the following ethnic profile, by class, as of December 12, 1998:

	1st stream	2nd stream	Total
1st class	10 Romani pupils	2 Romani pupils	12 Romani pupils
2nd class	2 Romani pupils	0 Romani pupils	2 Romani pupils
3rd class	0	0	0
4th class	0	1 Romani pupil	0 ("the student has returned to remedial special school")
5th class	0	0	0

[185] The figures provided by Ms Hermannová are split between zero and first class. According to these, children tend to transfer more often from first class than from zero-level. Rates of transfer are as follows: 1997/98: zero (first class), zero (zero-year); 1996/97: six; three; 1995/96: ten, six; 1994/95: eight, zero. In the years before the zero-level, ten pupils transferred from Jiří z Poděbrad in 1993/94, one transferred in 1992/93, and eight transferred in 1991/92.

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Similarly, at the Gebauerova basic school in the centre of Ostrava, a school with a relatively good reputation among Roma and one of only two preparatory level classes at a basic school in Ostrava, Romani pupils tend to diminish in number the higher the class. According to figures provided to the *ERRC* by school director Svatava Tomisová, the school had the following profile according to class as of February 11, 1999:

	Roma	Total number of pupils
Zero year:	15	17
1st class	20	40
2nd class	12	28
3rd class	5	30
4th class	14	35
5th class	11	32
6th class	9	40
7th class	?[186]	40
8th class	2	39
9th class	3	31

At the Koblov basic school in Ostrava, at the time of the *ERRC* visit in November 1998, there were around 30 Romani pupils from a total student body of approximately 170. The breakdown by ethnicity, according to class, was as follows:

1st class: approximately 20 Romani pupils, comprising approximately 80% of the class;
2nd class: two Romani pupils;
3rd class: no Romani pupils;
4th class: no Romani pupils;
5th class: no Romani pupils;
6th class: five Romani pupils;
7th class: one Romani pupil;
8th class: no Roma;
9th class: one Romani pupil;

Between the first and second classes, Romani members of the entering class are transferred to one of the eight schools for the mentally handicapped in Ostrava, while their non-Romani classmates continue in one of the 70 normal basic schools.

[186] Class teacher unwilling to provide data on ethnicity of pupils. The school subsequently provided additional information conflicting at several points with its February 11 information. According to a written chart of Romani pupils, by class, provided to the *ERRC* in March 1999, in the second class there were 16, not 20 Romani pupils; the seventh class teacher had evidently been persuaded to provide data on ethnicity, because the written statement lists eight Romani children in the seventh class; in the ninth class there were reportedly five Romani pupils, not three.

Roma attending normal basic schools very often attend different schools than non-Romani children in the Czech Republic. Of the 70 normal basic schools in Ostrava, the *ERRC* was able to gather statistics on the ethnic composition of 69 of them. Of these, 32 have no Roma attending them whatsoever; at least 16,722 children of 33,372 children attending schools in Ostrava as of February 1999[187] never met a Romani pupil in the course of the school day. A further 21 schools have Romani populations of 2% or less. Six schools have Romani populations of ten percent or more. 338 of the 753 Romani pupils in the 69 schools which provided the *ERRC* with statistics attend three schools: Gebauerova in Ostrava centre, Jiří z Poděbrad in Vítkovice and Škrobalkova in Kunčičky.[188]

Where Roma attend normal basic schools in larger numbers, these are often segregated. For example, in east Brno, an area with a large Romani population and eight basic schools, Roma overwhelmingly attend four basic schools. The Stará school is roughly 90% Romani. The Křenova school is roughly 45% Roma, many of whom attend remedial classes. Vranovská is approximately 45% Romani and Veveří 30%. One Romani assistant who worked in the Veveří school for two months in late autumn 1998 told the *ERRC* that she left because the atmosphere there was upsetting; Roma were taught in classes separated from non-Roma. She had allegedly been told by one of the teachers at Veveří that, as a Romani assistant, she should not assist non-Romani children. Romani children also suffer abuse and neglect at the hands of teachers and other pupils. Often, teachers do not intervene effectively to prevent abuse of Romani children by non-Roma.

8.1. Abuse of Romani Children by Teachers and Other School Officials in Basic Schools

Romani parents report abuse by teachers in the normal school system. Mrs E.H., a Romani parent from the Poruba neighbourhood of Ostrava, told the *ERRC*:

> My son, N.H., started kindergarten in this neighbourhood when he was three years old. From the very beginning, he came home crying because of the way he was treated at school. So I decided to have him moved to a different kindergarten. But in the second kindergarten the situation was almost the same.

[187] The total school population of Ostrava, provided by the Ostrava school bureau, was 33,842 in September 1998.

[188] For a list of the 69 schools and their Romani and total populations, see Appendix 3.

> I remember one incident where the children were dancing and clapping their hands. N was told to stand at the back. When I came to school I found him standing there, at the back. I asked the teacher why my son was standing apart from all of the other children and the teacher said it was because N did not know how to dance. The worst thing was that the teachers regularly stopped N from going to the toilet. They said it was because Romani kids always make a mess in the toilet. Because of this, N had to hold himself until he got home. After that he started having intestinal problems.[189]

The *ERRC* heard recurring, independent allegations from Romani parents that basic school teachers prevent Romani children from going to the toilet. In some instances, children caused themselves intestinal problems by refraining from urinating or defaecating; in others, they returned home soiled and traumatised.

One Romani mother of four from the northern Moravian city of Bohumín, Mrs Jarmila Pišojová, told the *ERRC* of an incident in which a physical education teacher had insulted her son's ethnic origins:

> Recently my son came home and told me that his physical education teacher – a boxer – had called him "black face" *(černá huba)* and asked him where he had got his black mouth. I wasn't going to stand for that, so first I refused to go to the school meeting and then I refused to give money to one of the local after-school clubs and then finally I called the school and told the director to tell the physical education teacher that my son had got his black mouth from me and that I wanted to challenge him to a boxing match. After that a delegation from school came out to visit me at home, and they convinced me to come into school to sort the matter out. When I went to the school, I told them that there were a lot of things that upset me about the school, but the thing that upset me the most was that I had raised my child to be polite, but that I was sorry to discover that the society we live in doesn't need polite people. The physical education teacher denied ever having said anything rude to my son.[190]

Another Romani parent from Bohumín, Ms Božena Dudi-Kot'iová, reported that her daughter Lenka had suffered abuse in a basic school there:

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[189] *European Roma Rights Center* interview with Mrs E.H., November 26, 1998, Ostrava.

[190] *European Roma Rights Center* interview with Ms Jarmila Pišojová, January 29, 1999, Ostrava.

> I live in Bohumín and I have four children. One of them, Lenka, is now studying at the pedagogical faculty in Brno. She went to the ČSA basic school. It was a bad school – there were big problems with racism there and the teachers didn't help the pupils at all. One teacher once called her a "Gypsy" there. There was an incident in which one pupil dropped a pen and Lenka stepped on it to hide it and while the teacher was sorting it out, she said to Lenka, "Don't lie, you Gypsies all lie." Lenka came home very upset, so we went back to school to talk to the director. We had a meeting and the director said he would do something. I waited for two months, but the director did nothing, so finally I went to the school bureau and complained. They arranged a meeting with myself, the teacher, the director and people from the school bureau and then the teacher was fired. I found out from other Romani parents that many of them had problems with this particular teacher, but none of them had taken the complaint as far as I had.[191]

Ms Dudi-Kot'iová told the *ERRC* that a younger daughter, Veronika, also experienced abuse at the hands of school authorities in the same school, and as a result she had transferred Veronika to a different school:

> My other daughter Veronika had problems at the same school. The pupils and teachers humiliated her and called her "Gypsy". When she forgot her pen or giggled in class, she was disciplined, while the other children were only warned. The teachers often slapped her and screamed at her. She is not as stubborn and strong as Lenka, and I didn't want her to go through what Lenka had gone through, so I transferred her to a different school.[192]

One Romani parent from Prague, Ms E.C., whose children attend basic school told the *ERRC* that teachers at the school her child attends are racist: "The teachers who teach Gypsy children are fine, but the others are terrible. They chase our children out of the dining room and insult them."[193] This claim was echoed by Roma working as janitors in schools in Ostrava. Three former teachers interviewed by the *ERRC* recalled dealing with extensive and explicit racism from teachers in the staffroom. Reports of abuse of Roma

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[191] *European Roma Rights Center* interview with Ms Božena Dudi-Kot'iová, April 29, 1999, Ostrava.

[192] *Ibid.*

[193] *European Roma Rights Center* interview with Ms E.C., December 11, 1997, Prague.

by teachers counter claims by the former President of the Supreme Court and present Minister of Justice Mr Otakar Motejl that teachers in the Czech Republic are too educated to be racist.[194]

8.2. Attempts by Basic School Teachers to Force Romani Children to Transfer to Remedial Special School Through the Punitive Use of Marks

Numerous Romani children and parents reported to the *ERRC* that basic school teachers punitively graded Romani children to coerce Romani parents into providing consent for the transfer of their children. Ms Helena Čermáková, for example, told the *ERRC*:

> The school made it clear to me that if I did not place my daughter in remedial special school she would fail. I refused to transfer my daughter to remedial special school because I know that she is intelligent and able. She has never repeated a grade. She started to receive bad marks in the eighth class but only because they wanted to get rid of her. The principal herself told me that if I did not place her in another school she would send her to a remedial special school.[195]

At the time of the *ERRC* interview in April 1999, Anička Čermáková had reportedly been placed in a children's home for behavioural reasons. Ms Čermáková's second daughter Andrea has also reportedly suffered physical and verbal abuse at the same school.

Ms M.C., a Romani mother from Pardubice, a town approximately one hundred kilometres east of Prague, described to the *ERRC* how teachers had used punitive grading in an effort to consent to his transfer to remedial special school:

> He started to have problems in the higher years of basic school. The teachers don't really like him. One of the teachers kept giving him 4's [a low grade] in maths. I went and complained. Then he entered an inter-school maths competition and he came third. After that, they gave him better marks.[196]

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[194] *European Roma Rights Center* interview with Otakar Motejl, April 22, 1997, Brno.

[195] *European Roma Rights Center* interview with Ms Helena Čermáková, April 20, 1999, Ostrava.

[196] *European Roma Rights Center* interview with Ms M.C., December 6, 1997, Pardubice.

Parents' assessments of their children's school abilities are neither unbiased nor infallible, but the claim that schools undergrade children was heard with worrying frequency from Romani parents. Discriminatory treatment against Roma during the evaluation of their basic school performance is one key link in the chain of events leading toward remedial special schools.[197]

8.3. Neglect and Abandonment in the Classroom

Many adult Roma recall having been more or less ignored at school, their attendance a legalistic formality.[198] Others, such as Ms M.C., a Romani woman from East Bohemia in her early thirties, recalls other forms of neglect:

> When I started school, I was put right at the back of the class by myself. Of course I was unhappy, and I cried, and when I told my mother, she went to the school and, in front of the teacher, she asked me, 'Show me where you sit.' I went to the back of the class and said, 'Here.' My mother asked the teacher, 'How can you put her at the back? Can't you see how small she is, and how big the other pupils are?' So the teacher moved me to the front of the class, with another girl, and I didn't have problems after that.[199]

Ms M.C. completed basic school and continued on to secondary school. Many Romani parents, however, would be unprepared to confront a teacher in this way. Teachers and teacher-trainers interviewed by the *ERRC* confirm that the practice of seating Romani children apart is widespread.

In a statement to the *European Roma Rights Center*, a 40-year-old Romani man named Ladislav Koky, now a social worker in Ostrava, told the *ERRC* how his experiences in school had alienated him:

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[197] For the tendency to use grades punitively rather than for assessment purposes, see Chitnis, Rajendra, *The Roma in Czech Elementary Education: Towards a New Approach*, Unpublished MA Dissertation, School of Slavonic and East European Studies, London, September 1997, p.34.

[198] See also accounts of Matěj Šarközy and Helena Šrámková , *Romano džaniben* II, 3 (1995), p.49 and III, 1-2 (1996), p.73.

[199] *European Roma Rights Center* interview with Ms M.C., December 6, 1997, Pardubice.

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> I attended basic school in Orlová. I successfully completed my primary education, but it was not easy, since I always felt unwanted, like an outsider. I have never complained about it to anybody, since I assumed that it was normal and accepted it as such. As a Romani pupil, I experienced education as a person alienated from the rest of the classroom as well as from the teacher. I never received much attention from my teacher [...] and had to sit by myself at the back of the classroom. The parents of the other children refused to allow their children to sit with me. Another pupil who also sat by herself was also Romani. No other pupils sat by themselves. Sometimes, a sympathetic teacher would ask us to sit together. I remember, for example, my father complaining to the school because my books were damaged, while the other pupils were given books that were in good condition. There may have been other similar incidents, but I am not the kind of person that looks into the past and undoubtedly there is much that I have forgotten. After all, who wants to remember the bad things? They hurt too much and I prefer to look forward. However, I have decided to make this statement because, as a social worker, I am in daily contact with many Romani parents whose children experience similar racial discrimination at basic school. Their sense of dignity is constantly violated, which causes an indescribable emotional trauma that affects them for the rest of their lives.[200]

Such practices continue today. Ms Věra Klempárová, a Romani mother from Ostrava, told the *ERRC* that her daughter Patricia suffered neglect in the classroom:

> In the first grade classroom of my youngest daughter Patricia, there were five Romani pupils at the beginning of the school year and now only three remain. I personally know the parents of the other two pupils remaining and they have told me that the teacher is pressuring them to accept the transfer of their children to remedial special school. When my daughter Ivana was in the first class, she was recommended for transfer by her teacher to remedial special school, but I refused. She was forced instead to repeat a grade. The teacher said that she was slow and playful and the school recommended her for psychological testing, but she passed the psychological test and the psychologist recommended that she stay at basic school. She is now in the sixth class. Both she and the only other Romani pupil in her classroom wish that they could be instead in a remedial special school, where their friends are. They feel as though they do not belong there. Their teachers

[200] Written statement to the *ERRC* by Mr Ladislav Koky, April 22, 1999, Ostrava.

> make them feel as if they were not present, as if they do not matter. They have no friends and other pupils often tell them that they should leave the school. My daughter has asked me many times to allow her to go to remedial special school, but I have always refused, since the education they receive there is very poor. The environment at Chrjukinova basic school is not good for Romani pupils.[201]

Ms Ilona Nistorová, also from Ostrava, reported that teachers at the Vrchlického school neglect her daughter Ilona:

> My teacher always paid less attention to me than to my schoolmates. My daughter Ilona now has the same problems. She sits alone at a desk in her classroom, apart from the rest of the children, and she feels as if the class does not want her. She cries – her schoolmates constantly insult her and she is only six years old and she is very sensitive. Once I went to complain to the teacher about two boys having insulted her and pushed her – I told her the names of the boys and the teacher said to me that it was not true and that my daughter was lying. I asked the teacher for my daughter to sit at the front of the classroom because Ilonka cannot hear very well but the teacher didn't do anything about it. My older daughter, who attends the fourth class at the same school, has similar problems to Ilonka. We are thinking about moving both of our daughters to a different basic school because the environment at the Vrchlického basic school is not suitable and friendly for Roma.[202]

According to figures provided by the school, in March 1999 there were 26 Romani pupils at the Vrchlického school, out of a total student body of 370.

The isolation of the Romani child in the basic school classroom is further exacerbated by the absence of reference to Romani culture, history or identity in the Czech basic school syllabus. Romani children find few role-models in the Czech curriculum. At the same time, Czech non-Romani children learn only a racially-designated subsection of their community's culture and history, and are not equipped to understand the multicultural situation in which they find themselves.[203] In July 1997, the Czech government told the Committee on the

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[201] Written statement to the *ERRC* by Ms Věra Klempárová, April 9, 1999, Ostrava.

[202] *European Roma Rights Center* interview with Ms Ilona Nistorová, April 19, 1999, Ostrava.

[203] For distortions and omissions in the Czech syllabus, cf. Kamenická, *Op. cit.*, pp.19-22; also, Čaněk, David *Národ, národnost, menšiny a rasismus*. Prague: Institut pro středoevropskou kulturu a politiku, 1996, especially pp. 77-78.

Elimination of Racial Discrimination that the Ministry of Schooling, Youth and Physical Education, "publishes textbooks encouraging respect for differences between cultures and nations."[204] The basis for this statement is completely unknown to the *ERRC*.

In addition, teachers are often entirely unfamiliar with the cultural and linguistic background of their Romani pupils. Prague Pedagogical Faculty lecturer Eva Šotolová told the *ERRC*, "The relationship of teachers to Romani pupils is significantly affected by the level of their knowledge about Roma."[205] Former Minister Without Portfolio and head of the Council for Nationalities Vladimír Mlynář committed himself to correcting the absence of information about Romani culture and history in Czech school textbooks. At the end of his five month term, the standard curriculum remained without Roma, and the Social Democrat-led government which followed has yet to correct the lacuna.

Normal schools fail to provide for any children with particular needs, including Romani children, as well as slow, poorly-motivated, socially-disadvantaged and gifted children from the whole of Czech society.[206] The normal school system, aiming at a particular, average, ethnically Czech pupil, makes it possible for a certain group of children to accumulate a large amounts of information fast, but does not make room for other kinds of children. According to Ms Helena Jiřincová of the non-governmental organisation *New School Foundation*, "basic schools have no habit of looking at children with any difference and adapting to them."[207] The *Council for Nationalities Report* is strongly critical of basic schools for this practice:

> A great proportion of teachers in basic schools, if not the majority, have the methodological approach of 'painting Romani children white', not considering the fact that the Romani pupil is a client with the same value as any other, including all his/her specific characteristics on arrival.[208]

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[204] Czech government report to the Committee on the Elimination of Racial Discrimination, 17 July 1997 State Party Report of the Czech Republic, CERD/C/289/Add.1., pt 135(c).

[205] *European Roma Rights Center* interview with Eva Šotolová, November 11, 1997, Prague.

[206] See Chitnis, *Op. at.*, p.34.

[207] *European Roma Rights Center* interview with Helena Jiřincová, November 11, 1997, Prague.

[208] *Council for Nationalities Report*, 6.12.

As a result,

> For Romani children, entrance into basic school is a shock, which only underlines the impossibility of their proper integration into society.[209]

A typical picture of the Romani child who manages to remain at basic school is as follows: alone in a class, she sits by herself, alienated from the teaching and the syllabus, and increasingly disengaged from the classroom environment. According to the Romani Coordinator at the Ministry of Education Albína Tancošová, "Right from the start, the collective of children rejects the Romani child; the teacher's solution is to send him to a remedial special school."[210] One former teacher-trainer at a pedagogical faculty in Moravia, for example, told the *ERRC*:

> I used to inspect student teachers who were doing their practical teacher training in basic schools, and I would often speak both to them and to their teaching practice supervisor, the regular class-teacher. If there were Romani pupils in the class – and there were very few of them in the basic schools – they were always sitting separately, somewhere near the back. I remember one school I visited where a Romani sat in the back row, constantly being scolded by the student teacher for not paying attention.[211]

Mr M.L., a social worker in Kladno, a town 25 kilometres east of Prague, reported another instance of abuse, in which a class teacher told other pupils to neglect a Romani child in the classroom. The Romani child reportedly slid into truancy after his teacher told his fellow students: "Don't talk to him; he's a Gypsy. He won't be here for long."[212]

8.4. Abuse of Romani Children by Non-Romani Pupils in Basic Schools; Failure of School Officials to Intervene Effectively on Behalf of Romani Children

Romani parents also report that their children are picked on by non-Romani children acting out of racial animosity at school. Teachers and other school officials are often passive or even hostile in the face of complaints of abuse from Romani children and their parents.

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[209] *Council for Nationalities Report*, 6.12.

[210] *European Roma Rights Center* interview with Albína Tancošová, December 16, 1997, Prague.

[211] *European Roma Rights Center* interview with N.H., December 8, 1997, Olomouc.

[212] Intervention of M.L. at InterRoma conference, Beroun, November 29, 1997.

Mrs Vlasta Holubová, a Romani mother of three, explained to the *ERRC* the kinds of problems her daughter Anička, who is in the sixth class, faces daily as one of five Roma at the Gajdošová basic school in Ostrava:

> She's basically alone in her class. It is a school full of the children of doctors and lawyers and other professionals. She is the only Romani girl in her class. Four or five of them started picking on her and calling her "Gypsy" and "black swine" and things like that. Anička is a big girl and she slapped a couple of them for it. So of course she started being regarded in class as the kid with the problematic behaviour. At the same time, she started having health problems – she is asthmatic – and she was moody and didn't want to go to school. But of course all of these things are bound together – If she weren't completely isolated at school, she wouldn't be having health, psychological or behavioural problems. Luckily the headmistress at Gajdošová is excellent and understands these things. After I went in and explained what sorts of problems Anička was having with her classmates, the headmistress explained it to the teacher, and since then things have been relatively calm.[213]

According to Anička Holubová, there are four skinheads at school. One of them, a girl in the ninth class, picks on her regularly and calls her "black swine". Mrs. Holubová had earlier transferred Anička from the Zelená basic school, also in central Ostrava, among other reasons because one of the teachers was physically abusive of Romani children. The teacher in question reportedly does not teach at Zelená anymore.

Thirty-two-year-old Věra Klempárová, today a mother of three living in Ostrava reported to the *ERRC* that her children are also abused by non-Romani children at the Chrjukinova basic school in the Zábřeh neighbourhood of Ostrava.

> Patricia, my youngest daughter, sits in the classroom with a boy who is constantly insulting her. After school I have to pick her up because the boy waits for her and hits her. She is only seven and is very scared. My son Michal is attending eighth grade. He has no friends and sits on his own at the back of the classroom. He is the only Romani pupil in the classroom and the other pupils in the class regularly insult him.[214]

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[213] *European Roma Rights Center* interview with Vlasta Holubová, February 12, 1999, Ostrava.

[214] Written statement to the *ERRC* by Ms Věra Klempárová, April 9, 1999, Ostrava.

The Chrjukinova school has 706 pupils, 29 of whom are Romani. Ms Klempárová told the *ERRC* that the situation had been similar when she was a child and attended basic school in the town of Rychvald, ten kilometres northeast of Ostrava:

> I received my primary education in basic school in Rychvald. When I began first grade there was only one other Romani pupil in my classroom, but she was soon transferred to a remedial special school. During my entire stay at basic school I sat at a desk by myself at the back of the classroom. The pupils in my classroom did not like me and used to call me 'smelly dirty Gypsy' and other similar insults. This took place almost on a daily basis. I particularly remember one pupil that used to hit me. I was very unhappy at school and used to be scared and cry every day on my way back home. I never complained, not even to my parents, because I thought this would make things worse and affect my chances of completing basic education.[215]

Ms Klempárová told the *ERRC* that although her children face similar problems to the kinds that she faced when she was a child, she does not speak out because she fears that if she did, the effect would be counter-productive:

> Today I am the mother of three children and I want to ensure that they receive a good education. They all currently attend basic school and unfortunately the situation has not improved. They face a similar situation to the one I knew when I was young. But I do not complain because I believe that the school would make the life of my children more difficult if I do. I believe that the only reason why they are all still at basic school is because neither me nor my children complain.[216]

When Romani parents do complain about abuse in basic schools, however, they are often ignored or ridiculed by school officials, and their children blamed for "provoking" problems. Ms Helena Čermáková for example reported to the *ERRC* that the two of her three daughters who presently attend school have suffered similar abuse in the Ostrava school system:

> I have three daughters and two of them attend school. They both attended basic school Matrosovova in the Marianské Hory neighbourhood of Ostrava.

[215] Written statement to the *ERRC* by Ms Věra Klempárová, April 9, 1999, Ostrava.

[216] Written statement to the *ERRC* by Ms Věra Klempárová, April 9, 1999, Ostrava.

> The oldest daughter, Anička, attended this school from second class until the middle of the eighth class. The younger one, Andrea, attended this school from the first class until the middle of sixth class. At this school they both had bad experiences and I transferred them to another basic school. Aníčka's schoolmates insulted her every day. They called her 'black face' and told her to go away and leave the school. Anička often became dizzy and could not cope with all the insults and often she cried at home after school. I often complained to the principal but she always blamed my daughter and said that she was probably provoking her schoolmates and she should handle it on her own. No one at the school helped her and it was obvious that they picked on her. At the end of winter of this year, my daughter was attacked in front of the school by two of her schoolmates. I had to take her to hospital for treatment, where they found out that she had broken wrist and two broken fingers. [...] My husband went to the principal to complain, but the principal excused this incident by saying that it was my daughter who provoked and that she should not be so provocative and wear short skirts. Once again the principal was not only not coming to her defence but she was blaming my daughter. My daughter has been to the educational psychologists' centre on Ostrčilová street in the centre of Ostrava four times since the first class.[217]

Ms Ilona Nistorová, now a Romani parent in Ostrava, silimarly reported that she had suffered racist abuse when, as a child, she had attended basic school:

> When I attended basic school I had problems. My schoolmates called me "black face" and told me that "I should go to the gas chamber." There were a lot of insults. I complained to my teacher, so did my mother, but nothing changed.[218]

Teachers and other school officials fail to deal properly with racist abuse of Romani children by other children. In a school in North Bohemia in 1997, a Romani boy in a fast-stream class was reportedly subjected to abuse by fellow-pupils whose parents requested that their children not sit next to a Gypsy. The teacher sat the Romani boy by himself. It was only when his mother, a social worker, went to the school and suggested that the teacher should not support racism in this way, that her son was returned to his former seat.[219] Veronika

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[217] *European Roma Rights Center* interview with Ms Helena Čermáková, April 20, 1999, Ostrava.

[218] *European Roma Rights Center* interview with Ms Ilona Nistorová, April 19, 1999, Ostrava.

[219] Information provided by Lada Viková, New School Foundation, September 20, 1997, Prague.

Kamenická gives a catalogue of insults and prejudice among non-Roma Czech children, adding that "The relations between [Czech and Romani] groups at school are relatively tense or even inimical."[220] Spokesperson for Multicultural Education and National Minorities in the Department for General Education of the Ministry of Schooling, Youth and Physical Education Ms Marie Rauchová, told the *ERRC* that "Teachers in these situations are often unable to deal with racist tensions."[221]

School administrators are passive in responding to racist violence in and around school. One 14-year-old Romani boy in Ostrava, Roman Bandy, wrote in a statement to the *ERRC*:

> During my stay at Antošovická basic school, I experienced constant abuse by other pupils. These insults intensified and became a daily event during the fourth and fifth class. The reason why they intensified is because the teacher never came to my defence, despite the fact that I asked for her help. I asked her to tell the other pupils to leave me alone, but her reply was always that I should stop complaining. The pupils picked on me because I was Romani. In my classroom there were around 26 pupils and at least one third of them participated in these abuses.[...] I remember things like them tearing off my necklace, throwing things off my desk, lying to the headmaster about me stealing things, telling me that I smelt, that I did not belong to that school, that my mum did not dress properly, constantly calling me names, such as 'black face' and 'dirty Gypsy'. Once, in the fourth class, I was physically attacked by another pupil. I had bruises on my neck, legs and the side of my body. My teacher claimed that I was lying and it was only due to the fact that another teacher pointed at my bruises and insisted that something had to be done about it, that the headmaster was informed. The pupil got "2" marks [the equivalent of an American "B"] for behaviour, but nothing else was done about it.[222]

In 1998, a 15-year-old classmate of Roman's attacked him outside the school and broke his elbow. He described the attack to the *ERRC*:

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[220] Kamenická, *Op. cit.*, p.26.

[221] *European Roma Rights Center* interview with Ms Marie Rauchová, August 12, 1997, Prague.

[222] Written statement to the *ERRC* by Roman Bandy, May 3, 1999, Ostrava.

> One of my classmates – Zdeněk Pote – followed me after school and for no reason other than the fact that he disliked me, kicked me very hard in my chest and I fell down and lost consciousness. When I woke up I could hardly breathe and my elbow was broken. I have two witnesses and I reported the incident to the police.[223]

With the assistance of local Romani activist Petr Horváth, Roman obtained a medical certificate and filed a police report. Mr Horváth also approached the headmistress about taking disciplinary action against the pupil concerned, but she allegedly told him that the incident was "nothing". With the assistance of Mr Horváth, Roman Bandy filed a complaint against his assailant with the police, and on March 3, 1999, a city court in Ostrava found Zdeněk Pote guilty of bodily harm under Article 221 of the Czech penal code and handed down a six month suspended sentence valid for one year. The court did not find that Mr Pote had acted with racial motivation. Shortly after the attack and as a direct result of it, Roman applied for transfer to a different school and began attending the Chrustova basic school in the Slezská Ostrava neighbourhood of Ostrava.

Reporting to the Committee for the Elimination of Racial Discrimination (CERD) in July 1997, the Czech government attempted to downplay the problem, as well as to place the blame for racially-motivated acts in the classroom on Romani children:

> Local school authorities and inspectors monitor the situation at schools as regards manifestations of racism and general intolerance. The inspection conducted at elementary schools in 1996 focused on steps taken by individual schools to counter manifestations of racism, intolerance and xenophobia. The incidence of "open racism" in this particular age groups was found to be rather low; most conflicts are triggered by the child's inability to tolerate anything which differs from the established pattern. A surprising discovery was that Roma children tend to manifest xenophobia and intolerance towards other ethnic groups more frequently than their schoolmates.[224]

One CERD member responded to this characterisation of the problem of racism in the classroom by commenting in March 1998:

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[223] Written statement to the *ERRC* by Roman Bandy, May 3, 1999, Ostrava.

[224] Czech government report to the Committee on the Elimination of Racial Discrimination, 17 July 1997 State Party Report of the Czech Republic, CERD/C/289/Add.1, pt 135(h).

> Even more pejorative was the statement in paragraph 135(f) that although "open racism" was infrequent in elementary schools, findings had shown that Roma children tend to manifest xenophobia and intolerance toward other ethnic groups more frequently than their schoolmates. That promoted a stereotypical image of a Roma child as racist. What investigative methods had led to that conclusion and was it not true that the actions of Roma children could be attributed to self-defence in the face of a hostile environment?[225]

ERRC investigation in the late 1998 and early 1999 indicated that since the CERD had reviewed the Czech Republic, little had changed in the level of anti-Romani acts taking place in basic schools.

8.5. TRUANCY

Czech basic schools provide inadequate support for Romani parents whose children have fallen into truancy. The result of failure to attend school for even a short period of time may be catastrophic for a pupil in a Czech basic school. A build-up of unexcused absences may lead to placement in one of a series of institutions for delinquents. Here too, however, the inappropriate institution of remedial special schools come into play. According to Ms F.S., a remedial special school teacher:

> The child misses a few weeks of school and gets behind. If this happens to a Romani child, eventually the child is sent to an educational psychologist as having an under-average intelligence quotient.[226]

The truancy of Romani children has roots in abuses suffered at school. Romani children are the subject of emotional abuse by teachers, teacher indifference and bullying by non-Romani pupils. Instead of reckoning with such abuse, however, Romani children who do not regularly attend classes are often sent to remedial special schools.

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[225] Committee on the Elimination of Racial Discrimination, "Summary record of the 1254th meeting: Czech Republic. 11/03/98. CERD/C/SR.1254 (summary record)", pt 89.

[226] *European Roma Rights Center* interview with Ms F.S., December 12, 1997, Prague.

8.6. Inadequate Support for Romani Parents

Finally, inadequate support for Romani parents on the part of basic schools facilitates the slide of Romani children into remedial special schools. Parents of basic school children in the Czech Republic are expected to be able to help their children with their homework; Romani parents are often considered to fail on this count. An intricate webbing links parent and teacher in the Czech Republic. The locus of this contact is the so-called "pupils' booklet" *(žákovská knížka)*. The pupils' booklet is supposed to be carried at all times by pupils, so that teachers may register approval, discontent, comments and marks and have them transmitted immediately to parents. Parents are expected to comply with suggestions made by teachers, sign that they have received criticism, etc. Pupils are subjected to intense surveillance. The parent is accorded a participatory role in education and inherits a range of responsibilities from the school. This establishes a high probability of generational legacies of failure: the demands made by basic school are such that a parent who was not successful in school herself is unlikely to be able to meet them. Ms E.H., for example, had herself successfully completed basic school:

> My brother is much younger than me. He was going to a normal basic school but he was starting to have problems, getting behind in his classes and getting into trouble with his teachers. My mother used to send him to me, and I would explain things to him – she couldn't explain them to him herself because she'd been to remedial special school. So I used to help him and then he'd do fine. But we live 25 miles away and he could only come every now and then, and it wasn't enough. So she decided to send him to a remedial special school, and now he's doing better.[227]

Since mechanisms do not exist to support his parents in educating him, this child is now in a remedial special school.

Sometimes, poverty intervenes to prevent the child from breaking out of a cycle of under-education. Ms Marie Sochorková, a teacher at the Přemysl Pitter parochial school in Ostrava, described to the *ERRC* attempts by the school in April 1999 to send three Romani pupils to a grammar school beginning at the sixth class. Two of the three soon returned to the school, however, because neither had adequate conditions at home for study: one reportedly lives in a single-room flat with seven other family members; the other has no water or electricity at home.[228]

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[227] *European Roma Rights Center* interview with Ms E.H., December 7, 1997, Pardubice.

[228] *European Roma Rights Center* interview with Marie Sochorková, April 30, 1999, Ostrava.

A cycle of under-education thus continues unbroken, with parents in many cases unable to keep their children out of the remedial special schools they themselves once attended.

8.7. Summary: Traumatised Children

The failings of the basic school, including its assumption of an average, ethnically Czech child, the failure of teachers to counter racism among students and direct racism on the part of teachers, the lack of information about Roma within the curriculum, and failure to provide assistance to Romani parents, greatly reduce the chance that a Romani child will succeed there and facillitate the process by which Romani children are transferred to remedial special schools. Former remedial special school teacher Pavel Kuchař told the *ERRC*, "Teachers, in general, do not understand the mentality of the Roma children. Their obvious cultural differences are considered a threat."[229] Those Romani children who manage to stay in the normal school system soon come to lack confidence and self-respect. As a result of abuse by other children and the failure of school authorities to intervene on behalf of Roma, Romani children become, after a short period of time in Czech basic schools, traumatised.

Ms Monika Bacová's son Patrik attends a basic school in the town of Hlučín, just outside of Ostrava. She told the *ERRC*:

> I attended basic school in Hlučín from 1982 to 1990. In my class, until the fifth class, I was the only one Romani and then there was another Romani boy. My schoolmates called be 'black Gypsy', 'black face' and similar insults every day. I complained to my teacher but she never said anything to my schoolmates in my defence and that is why I did not complain anymore. Because of their constant insults I did not feel very comfortable at school and wanted to finish my basic school attendance as quickly as possible. The teacher always wanted me to sit at the back at a desk all alone. At school I felt unwanted and isolated. My son Patrik now attends the first grade at a basic school in Vrchlického street and he has the same experience with his schoolmates and teacher as I had. His teacher placed him alone at a desk at the back of the classroom. I know that my son is able enough to learn well and I also know that it must be very difficult for him when his schoolmates and his teacher don't behave nicely towards him. They call him

[229] *European Roma Rights Center* interview with Mr Pavel Kuchař, February 1, 1999, Prague.

> for example 'black', 'black monster' and 'Gypsy' every day. My son told me that he would rather be white. My son also complained to me that three white boys from a higher grade hit him. I believe that if I had complained with my husband it would had affected him negatively and I think that it would have been even more difficult for him at school. I know that the teacher does not like my son very much. She doesn't pay much attention to him and she even hit him twice. She recommended to me that Patrik should stay at home for the remaining past of the first class and that he should start first class again the following year. At the beginning of the year we went for a psychological test to educational psychologists' centre in downtown Ostrava on Ostrčilova street. The psychologist recommended that my son go to remedial special school. I refused to consent because I know that although at remedial special school he would have it easier, when he grew up people would look at him as if he was inferior.[230]

One educational study conducted in the Smíchov district of Prague concluded that integrated schooling was not possible in the Czech Republic because non-Roma were not prepared to accept Roma in the normal school system:

> Despite integrated schools are now propagated in the western countries, in this country there are not conditions for them. Not only personal (sic), but also material and technical conditions and mainly public opinion. In those cases, even a good idea – to let a pupil into basic school – has negative results. Pupils are sent to remedial special schools in the second level of classes, when it is too late because they have already lost their interest to learn. After several years of being 'a gypsy, [...] and a stupid pupil' children are frustrated, they start to stammer, they do not join a collective, they do not want to learn at all. This is why the teachers recommend children to remedial special schools.[231]

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[230] *European Roma Rights Center* interview with Ms Monika Bacová, April 19, 1999, Ostrava.

[231] Spolu International Federation Pilot Project, quoted in Conway, Laura, *Op. cit.*, p.27.

9. FURTHER LIMITS ON THE RIGHT TO EDUCATION: THE 1992 ACT ON CZECH CITIZENSHIP AND THE EDUCATION OF ROMANI CHILDREN

Further limits to the access of Roma to education in the Czech Republic are imposed by the much-criticised 1992 Act on Citizenship, as a result of which many Roma in the Czech Republic became *de facto* stateless and were forced to enter lengthy and complicated procedures to acquire Czech citizenship. Stateless Roma, Slovak Roma without a long-term residence permit *(dlouhodobý pobyt)* and foreign Roma without permanent residence *(trvalý pobyt)* are not entitled to free secondary education, unless they have applied for refugee status in the Czech Republic. Additionally, many Roma lost the right to child support as a result of the loss of citizenship; the children of these Roma have their access to equal education hindered by the fact that they cannot meet financial burdens placed upon them by the Czech school system.

The Act on Citizenship was passed at the time of the dissolution of the former Czechoslovak state.[232] Rather than making Czech citizenship available to all former Czechoslovak citizens, the Act awarded citizenship to those who had Czech, as opposed to Slovak republican citizenship, a previously meaningless administrative designation provided under a 1969 law. Those former Czechoslovak citizens who had not been automatically

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[232] Law no. 40 of the Czech National Council, 29 December 1992, effective 1 January 1993. On the Act on Citizenship and its effects, see European Roma Rights Center, "Written Comments of the European Roma Rights Center Concerning the Czech Republic for Consideration by the Committee on the Elimination of Racial Discrimination at its Fifty-second Session, 6-9 March, 1998"; European Roma Rights Center, "Letter to the Council of Europe", August 6, 1997; European Roma Rights Center, "Statement of the European Roma Rights Center on the Occasion of the Acceptance of the Czech Republic, Hungary and Poland into NATO", July 10, 1997. The above-mentioned documents are on the *ERRC* Internet website at **http://errc.org**. See also Commission on Security and Cooperation in Europe, "Ex Post Facto Problems of the Czech Citizenship Law", September 1996; Czech Helsinki Committee, "Report on the State of Human Rights in the Czech Republic 1996", 1997; Human RightsWatch/Helsinki, "Roma in the Czech Republic: Foreigners in Their Own Land", June 1996; Tolerance Foundation, "The Non-Czech Czechs", Prague: August 1995; Tolerance Foundation, "Notes on the Czech Citizenship Law's Background", Prague: February 1995; Tolerance Foundation, "A Need for Change, The Czech Citizenship Law: An Analysis of 99 Individual Cases", Prague: November 1994; Tolerance Foundation, "Report on the Czech Citizenship Law: The Effect of the Citizenship Law on the Czech Republic's Roma Community", Prague: May 1994; UNHCR, "Citizenship in the Context of the Dissolution of Czechoslovakia", September 1996; UNHCR, "The Czech and Slovak Citizenship Laws and the Problem of Statelessness", February 1996.

awarded citizenship were entitled to apply for it, but were required to meet the condition that they had been permanent residents of the Czech Republic for at least two years and that they have not been sentenced for a crime in the previous five years.

As a result of the Act, thousands of people with Slovak republican citizenship who had lived all or most of their lives on the territory of the Czech Republic, found themselves officially ineligible for Czech citizenship either as a result of a criminal record or because their real residence was not matched by official residence documentation. Thousands more found themselves obliged to go through a lengthy, expensive and complicated procedure in order to obtain the citizenship of the only country to which they had real ties. The vast majority of those excluded from Czech citizenship were Roma.

Those who were designated Slovaks but had permanent residence in the Czech Republic until the split were obliged to reapply for a permanent residence permit in order to continue living legally on the territory. For this application, a valid travel document for identity and proof of residence in the Czech Republic on December 31, 1992, were required: in reality, both of these were problematic for many of those affected, who did not possess a federal passport, and whose formal residence did not match their real one.[233] According to Marta Miklušáková, who at the time worked for the Citizenship Counselling Service of the *Czech Helsinki Committee*, "since obtaining a permanent residence permit is administratively for many Roma even more complicated and expensive than an application for citizenship, very few [Slovak] Roma have this permit."[234]

One of the many effects of losing permanent residence is expressed in an instruction given by the Czech Ministry of Education in 1993.[235] The instruction lists various groups of aliens in the education system, including "in basic, secondary and special schools and in

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[233] For discussion of these and other aspects of the requirement to reapply for legal residence, see Article 8 Project of the Tolerance Foundation, *From Exclusion to Expulsion, The Czech Republic's "New Foreigners", Part 1: Judicial Expulsion*, Prague: November 1996.

[234] *European Roma Rights Center* interview with Marta Miklušáková, December 5, 1997, Poerov.

[235] "Pokyn Ministerstva školství, mládeže a tělovýchovy České republiky č. 20 279/93-21 ke vzdělávání dětí cizinců v základních a středních školách včetně speciálních škol v ČR ve školním roce 1993/1994" [Instruction of Czech Republic Ministry of Education, Youth and Sport no. 20 279/93-21 on the Education of Children of Foreigners in Elementary and Secondary Schools, including Special Schools in the Czech Republic in School Year 1993-1994]. This instruction was to be temporary, but has not been replaced and is still the basis of practice.

school institutions children of individuals (particularly of Romani origin) who cannot prove citizenship of any state."[236] In order to have the same rights to post-compulsory education as children of Czech citizens (i.e., free secondary education), children of aliens must have parents either with permanent residence in the Czech Republic, or with Slovak citizenship and long-term residence in the Czech Republic, or with refugee status applied for or awarded. A child of "Slovak" or stateless parents without an official residence permit in the Czech Republic is not entitled to free secondary education.

A "Slovak" child of a Czech parent is also not entitled to free secondary education. This paradoxical situation can arise because Czech citizenship does not automatically transfer to the children of the person acquiring it; it may also arise when a child has a parent or legal guardian who has Slovak citizenship and is either untraceable or unwilling to agree to the child becoming Czech.[237] Marta Miklušáková told the *ERRC* of one case in which a teenager turned out to be Slovak because his mother had opted for Czech republican citizenship prior to 1992, but had not thought to include her son. As the boy neared completion of remedial special school, it became clear that he would have problems registering for secondary school, as he had no identity papers and was considered by the Czech authorities to be Slovak. Fortunately, in his case, the Counselling Service, which was already known to the family, was able to obtain citizenship for the boy before he moved to the new school. Ms Miklušáková also reported another case, that of a Romani boy named K.L., to the *ERRC*:

> K.L.'s parents obtained Czech citizenship in 1994, but did not include their three children in their application. They only found out that their children, who were born in the Czech Republic, were not Czech citizens when their oldest children were fifteen years old. K.L. started at technical training centre in September 1996. At that time he had no identity papers. The director of the training centre informed the parents that their boy had no right to free education, because he was not a citizen of the Czech Republic and was not even legally resident in the country. Unless his parents quickly obtained citizenship for him, the training centre would require them to cover the costs of his education; if the parents would not do this, the boy would be thrown out of the program. An agreement was reached between school

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[236] *Ibid.*

[237] For discussion of the many citizenship issues that pertain to children, including the situation of children in children's homes, and of adopted children, see *Czech Helsinki Committee, Op. cit.*, pp.6-10.

> and parents that the boy would receive six months' grace: if he obtained citizenship within that time, he would be let off fees. At the start of 1997, K.L. received citizenship.[238]

Those who are in contact with the Counselling Centre are among the lucky ones; many teenagers have been denied free education in secondary schools since 1993 as a result of the Act on Citizenship. In addition, Romani children without access to travel documents are excluded from school trips abroad, including, ironically, trips to Slovakia.

Another effect of the Act on Citizenship is that families with a non-Czech member without permanent residence lost child support and other social welfare benefits. Numerous Romani families now do not and cannot receive child support and therefore have serious difficulties in buying books, school supplies and presentable clothing for their children as well as meeting the other significant financial burdens placed upon them by the Czech educational system.

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[238] *European Roma Rights Center* interview with Marta Miklušáková, December 5, 1997, Poerov.

10. MINORITY EDUCATION

The Framework Convention for the Protection of National Minorities entered into effect in the Czech Republic on February 1, 1998. Article 14 of the Convention states:

> The parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
>
> In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to these minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
>
> Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Domestic provisions in the Czech Republic also contain minority rights guarantees. Article 25 of the Charter of Fundamental Rights and Basic Freedoms, a component of the Constitution of the Czech Republic, states:

> 1. Citizens who constitute a national or ethnic minority are guaranteed all-round development, in particular, the right to develop, together with other members of the minority, their own culture, the right to disseminate and receive information in their native language, and the right to associate in national associations. Detailed provisions shall be set down by law.
> 2. Citizens belonging to national and ethnic minority groups are also guaranteed, under the conditions set down by law:
>
> a) the right to education in their own language,
>
> b) the right to use their own language when dealing with officials,
>
> c) the right to participate in the resolution of affairs that concern national and ethnic minorities.[239]

[239] Charter of Fundamental Rights and Basic Freedoms of the Czech Republic, December 16, 1992, Official Translation.

Authorities in the Czech Republic have yet to implement these provisions where Roma are concerned, and often argue that the tendency of Roma not to register as Roma during official registrations such as censuses indicate that Roma are not a national minority at all.

When Charter 77 pubished comments on the situation of Roma in the Czech Republic in 1977, it was clear in its analyses of cause: "The main cause of the lack of success of Romani students is the fact that there are no Romani schools which would be naturally connected to Romani culture and would develop it."[240] In the context of the post-1948 unified schools system, non-Romani organisations expressed their concern that officials regarded Romani as the decaying language of a social underclass and that the only possible way for Roma to exist in Czech society would be their cultural and linguistic assimilation. And, as already suggested, Roma simply did not feature in the schools curriculum. As *Human Rights Watch* put it in 1991, "no Romany national schools existed for the simple reason that Roma were not considered a nation."[241]

No proper research has been conducted into the opinions of Romani parents in the Czech Republic on having Romani in schooling. Outspoken demand for schooling in Romani and even for Romani language classes remained minimal after 1989.[242] In the new atmosphere of tension and racism, many Romani parents saw classes or schools in Romani as an increase in segregation: children who graduated from a Romani school would, it is thought, not be considered or treated as equals to children who had graduated from a "white" school.

Two Romani schools existed in inter-war Czechoslovakia, however; they were established in the 1920s and functioned throughout the 1930s.[243] These two schools remain open today, but are now located in the Transcarpathian region of Ukraine, ceded from Czechoslovakia to the Soviet Union in 1945. In 1998, following lobbying efforts by Romani activists, a private school for Romani elites opened in the town of Kolín, approximately sixty kilometres east of Prague. The school is dependent for much of its funding on grants

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[240] Quoted in Nečas, *Romové v České republice včera a dnes*, *Op. cit.*, p.87.

[241] Human Rights Watch/Helsinki, Op. cit., 1991, p.37.

[242] On debates concerning minority schooling issues and Roma in the Czech Republic, see Kamenická, Op. cit., p.35 and Šebková, *Op. cit.*, p.3.

[243] See Crowe, *Op. cit.*, pp.46-47; European Roma Rights Center, *The Misery of Law: The Rights of Roma in the Transcarpathian Region of Ukraine*, April 1997; Nováková, Marie, "Cikánská Škola v Užhorodu", in *Romano Džaniben*, Vol. II, No. 3, 1995.

from the non-governmental sector, leading to fears concerning its ability to remain open in the long-term. Schooling in principle subjects takes place in the Czech language. It is still too early in the life of this institution to comment on its role and effectiveness in the integration of Roma. It is certain, however, that the presence of a private boarding school providing minority education does not absolve the state of its obligation to provide minority education in the state school system.

The Czech Republic is committed under Article 2(1) of the Framework Convention to fostering "knowledge of the culture, history, language and religion of their national minorities"; to providing in this context "adequate opportunities for teacher training and access to textbooks"; and to promoting "equal opportunities for access to education at all levels to persons belonging to national minorities". In practice, this access is not provided at present.

11. VIOLATIONS OF THE RIGHT TO EDUCATION AS THE KEY TO OTHER ROMA RIGHTS ISSUES IN THE CZECH REPUBLIC

Violations of the rights of Roma to education in the Czech Republic have a range of effects which extend well beyond the school system. These are most often seen in the field of employment, where the poor school results of Roma – born of discrimination in the school system – are compounded by the effects of racism on the job market.

According to Irena Meisnerová, director of an experimental school in Prague with more than 30% Romani pupils, there are serious problems for Romani children (from remedial special or mainstream schools) when it comes to finding placements, a compulsory part of the apprenticeship programme. "We've had to give people placements in our school kitchen when there were problems finding someone to take them."[244] Ms F.S., a remedial special school teacher, similarly told the *ERRC*: "for instance, if Romani students are taken on in pubs and restaurants at all, they won't be waiters – the owners will be reluctant to put a 'black face' in front of their customers, and to give Roma jobs in which they are responsible for handling money."[245]

The continued failure to achieve comparable levels of education for the Romani community is reflected in increasing social isolation. Milada Horáková makes the specific link between educational failure and severe patterns of unemployment:

> Districts with a high percentage of Roma are marked by constantly high unemployment rates, the unemployed being particularly people with primary school or incomplete school education (40%). Long term and repeated unemployment is typical for these strata. For them, only seasonal jobs are available, and after completion of these jobs they are registered as job applicants again.[246]

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[244] *European Roma Rights Center* interview with Irena Meisnerová, December 1, 1997, Prague.

[245] *European Roma Rights Center* interview with Ms F.S., December 12, 1997, Prague.

[246] Horáková, Milada, "Roma in the Czech Republic", contribution to the Congress of Local and Regional Authorities of Europe conference in Pardubice, October, 1997, p.4.

A strong disincentive to a combative response by Roma to their exclusion and segregation in the Czech education system is that due to high levels of discrimination on the job market in the Czech Republic, such activism would have little useful effect: Roma would still have great difficulties in procuring gainful employment after graduation. As psychologist Pavel Říčan told a meeting on Romani education at the Czech senate:

> We want to tell Romani parents that people who complete education will have increased employment opportunities. But how can we tell this to Romani parents when qualified Roma are systematically being discriminated against on the employment market?[247]

In his speech, Mr Říčan referred to an acquaintance who had just been refused a job in a shop despite being qualified and being the only applicant, and to a scandal when it was discovered that the Czech Ministry of Defence had a policy of not employing Roma as stokers. Such complaints are commonplace. A psychologist working in the labour office in Ústí nad Labem, for example, told the *ERRC* of unemployed Romani men and women who complete requalification courses in his office, and whom he is then able to place in jobs, but who are refused when they appear for the job in person.[248] The *ERRC* has received similar reports from Roma in Prague, Jablonec, Sokolov, Písek, Brno and Ostrava. One 23-year-old Romani man, Mr P.M., told the *ERRC*:

> I worked hard to get through school and to qualify as an architect's surveyor. When I went this autumn to the labour office, I was offered a job. But when I went there they told me it was taken. I was offered another, and the same thing happened. I complained at the labour office and they said that yes, it was a problem, but why didn't I go and do road-digging, because they'd always take me there. But I didn't work hard to get through school just to dig the road and earn hardly more than I get on benefits.[249]

A similar case was reported in the Romani weekly newspaper *Romano kurko* in November 1997 by Ms Renata Šarköziová, a Romani woman from Písek who is a trained laundress

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[247] Říčan, Dr Pavel, Speech to seminar on education and the Romani national minority at Czech Senate, 6 November, 1997.

[248] *European Roma Rights Center* interview with Dr Milan Brynda, March 25, 1997, Prague.

[249] *European Roma Rights Center* interview with Mr P.M., November 27, 1997, Prague.

with requalification certificates as a cook-waitress and a saleswoman. She worked in the *Máj* department store in Prague, but left Prague after she and her non-Romani boyfriend were attacked by skinheads in the metro. In the article, Ms Šarköziová stated:

> When I returned to Písek I could not find a job. I went to the Work Office and they said they had nothing to offer me except cleaning jobs. But in that case why did I go to school? Why hadn't my father let me go out with the other girls? Why did I have to study? So that I could spend my days with a brush? I could have let myself get moved to a remedial special school like the rest of the Romani kids and I wouldn't have had to labour over my books.[250]

A pub owner reportedly told her, when she applied for a job, that he could not have a "black face" behind the bar. Then she went with her father to the nearby village of Drhole, where they were looking for a cook: "We drove to Drhole and there they said, 'You want to work here as a cook? Have you got the papers?' I showed them the certificate. 'Unfortunately we could only employ you as a cleaner here,' they said."[251] Her father told the *ERRC*, "They'll make any excuse now not to employ Roma."[252] Czech civil law does not provide adequate specific remedy for a person discriminated against in employment.[253]

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[250] Hübschmannová, Milena, "Renata" in *Romano kurko*, no.7/22, 6 November 1997, p.7.

[251] *Ibid.*

[252] *European Roma Rights Center* interview with Matj Šarkozi, December 13, 1997, Prague.

[253] See Committee on the Elimination of Racial Elimination, "Concluding Observations on the Czech Republic", March 19, 1998, Paragraph 12, 19. See also *ECRI's Country by Country Approach*, Vol. 1 (1997), p. 15, paragraph D4.

12. CONCLUSION: BLAMING THE ROMANI FAMILY

Instead of reckoning with systemic, structural problems and legacies of decades if not centuries of discrimination and open assault, authorities – supported by the vast majority of non-Romani Czechs – equivocate while responding to the problems of contemporary discrimination and the large numbers of Roma in schools for mentally handicapped children. Often, Roma are blamed for their situation. Blame is often formulated as "linguistic handicap" or "sociocultural disadvantage", a rhetorical device which generalises the discrimination faced by Roma away from them by portraying them as somehow inevitably located on the lower margins of an otherwise dynamic society. This permits the most insidious presentations of the school as a missionary outpost for Czech civilisation, desperately trying to save children from their barbarian families.

In a questionnaire attached to the *Council for Nationalities Report*, 92.1% of local education offices express the opinion that one of the important factors reducing the success of Romani pupils is "the lack of interest from Romani parents in the education of their children"; 95.6% of respondents thought the "different mentality and parental upbringing of Romani children" was an important factor.[254] Allegedly sympathetic accounts tell of "different value sets". In unsympathetic accounts, parents are lazy or stingy with money and therefore move their children to remedial special schools; they do not encourage their children to take education seriously and do not take seriously their own responsibility to ensure school attendance. When Romani children fail, this is "unfortunately" because school and society have been unable to protect him or her from their Romani families. The word "unfortunately" recurs throughout such explanations, indicating the speakers' affected resignation at a failure to combat fate. Arguments about the cultural uniqueness of Roma easily become excuses for inactivity and tend toward speculation about the impossibility of education across the cultural abyss that supposedly separates Roma from Czechs. An irreducible Romani culture is blamed for the failure of the Czech education system to offer a full and appropriate education to all its pupils.

Professionals in schools, school administration and educational psychologists are at present often not properly prepared for or committed to communication with Roma, or ready to listen to Romani parents' own desires. Such officials often refer to "Romani

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[254] *Council for Nationalities Report*, supplement to Pt. II, table C.20.

culture" as if it was made up of a complex of antisocial behaviour patterns from which it is impossible to free Romani children. The answer they propose is segregated abandonment: the remedial special school.

The failure of the educational system with respect to Roma is the failure of Czech society overall. Early segregation and exclusion in schools leads to similar problems in other spheres later. Educational failure reproduces itself, creating further failure in the educational system. Traumatised and hopeless parents react to a hostile and alien schooling system in a range of ways, some of them harmful to their own long-term interests and to the long-term well-being of their children. The present state of affairs has a damaging effect on the Czech school system and on Czech society as a whole.

School reform aimed at the integration of Roma is in the wider public interest. One educational advocate from the United States put it in the following terms:

> Enforcing rights to non-discrimination always will threaten racists and always will threaten the penny-pinchers who decry spending public money on anything. But they need not threaten, and they should attract, the average person whose main concern is whether their own children will get what they want from public schools. Their children will do better in a school that pays attention to the individual needs of all students and assures that all students learn.[255]

Speaking on the Romani program on Hungary's *Tilos Rádió* in April 1999, Mr Arthur R. Ivatts, Her Majesty's Inspector at the Office for Standards in Education, made a similar point about the beneficial effects integrating Travellers has had on education as such in Great Britain:

> The integration of Travellers was made law in Britain in 1980 and the government committed extensive funding to assure that the provisions set down could be implemented. On the basis of now almost twenty years of experience, it can be seen that everyone benefited. What we have heard from teachers is that it provided them with a greater range of skills and made them more competent as teachers.[256]

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[255] Vail, John, "Discrimination in Education: Some Thoughts on American Law and Experience", in *Roma Rights*, Summer 1998, p.42.

[256] *Tilos Rádió* interview with Arthur R. Ivatts, May 4, 1999, Budapest.

It is not acceptable, as some government officials have suggested, to simply abolish remedial special schools and replace them with remedial special classes within basic schools.[257] Nor is it acceptable to simply rename the presently existing remedial special schools basic schools and to continue to educate Roma in substandard ghettoised classrooms. It is also unacceptable to transfer large numbers of Romani children to basic schools as they presently exist. Rather, the integration of Roma into mainstream schooling must take place accompanied by a complex of well-funded programmes aimed at providing support and skills to Romani and non-Romani pupils and teachers alike. The ultimate aim of such projects should be integrated, multi-cultural classrooms free of racist abuse and a Roma-hostile atmosphere. A society aspiring to legitimate democracy must ensure that gross discrimination of the kind presently pervading the Czech school system does not occur.

This report has not taken a position on the issue of whether remedial special schools should exist and whether children with learning disabilities should be educated separate from other children. Divergent views based on divergent philosophies of mind, disability and education exist and are the cause of significant dispute. While some educators and activists call for the abolition of separate institutions for children with learning disabilities and the integration of the such children into mainstream schools, others call for improvements to existing institutions and argue strenuously the necessity of special education. This report does not take a position on this issue, although the *ERRC* is aware that adopted reforms will be dependent upon policy decisions in relation to the debate. The *ERRC* presents recommendations based solely on the problem of racial discrimination in the Czech educational system in general, and special schools in particular.

On April 7, 1999, the Czech government adopted a resolution explicitly committing itself to school reform with respect to Roma. Resolution 279 "On the Conception of Government Policy Towards Members of the Romani Community, Assisting Their Integration into Society" states, in part:

> The government will create the conditions for a change in the school system in order that Romani children can be equally successful in it as other children. Toward this end, methods of demolishing the linguistic barrier, preparatory classes, the Romani language as an auxiliary teaching method, Romani assistants in schools and particularly an individual approach to pupils will be used. The

[257] See, for example, Teplá, Marta, "Zvláštní škola: děti představují naši nesmrtelnost" in *Učitelské noviny*, no. 42/43, November 24, 1998, pp.19-20.

> system in which the great majority of Romani children only complete remedial special school, by which they are designated for their whole life to the least qualified work, will be replaced by a system of flexible and temporary remedial classes in basic schools with a lower number of pupils than in mainstream classes. Adult Roma will be offered by the state the possibility of completing their basic education and, potentially, also secondary and higher education.[...]
>
> Among the methods which are being tested now are preparatory classes, the presence of Romani assistants in schools and remedial classes. The most important thing, however, is an individual approach, which is made possible by a lower number of pupils in the class and by special preparation of teachers. In order to achieve an individual approach, it is necessary both to complete the education of the teacher and to lower the number of pupils, particularly in earlier years, according to the number of pupils in the class who will be regarded by educational psychologists' centres as children with educational problems. In the first phase it will be possible to use experienced teachers from remedial special schools in basic schools. These teachers have the necessary special training and the experience of individual work with children.
>
> For adult Roma, damaged by the previous school system, who express an interest, it is necessary to create cost-free schools, which will make it possible for them to complete their basic education.[258]

In the government's April 7 Resolution, the *ERRC* recognises the first move in what – if it is to be successful – will be a long and intensive process of school reform in the Czech Republic. In order for such a school reform project to be successful, the Resolution will have to be adopted into law in the spirit in which it has been drafted and sufficient funding will have to be made available for its realisation. The *ERRC* is concerned that a deadline of December 31, 1999, has been set for the presentation of a "variant form" by an "expert group". No effective school reform is envisioned before that date. It remains to be seen whether the "variant form" presented to the government will continue in the spirit of the resolution adopted. The *ERRC* therefore presents recommendations to the Czech government, and encourages Romani and non-Romani organisations and individuals to continue to pressure the Czech government to assure that effective school reform is realised.

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[258] Government of the Czech Republic, Resolution No.279, the "Usnesení vlády České Republiky o koncepci politiky vlády vůči příslušníkům romské komunity, napomáhající jejich integraci do společnosti", April 7, 1999, unofficial translation by the *ERRC*.

13. A JUST SETTLEMENT: RECOMMENDATIONS OF THE *EUROPEAN ROMA RIGHTS CENTER* TO THE GOVERNMENT OF THE CZECH REPUBLIC

1. Plan and implement reforms aimed at ending ethnically based segregation in the Czech school system.

2. Strictly sanction instances of abuse and expressions of racial hatred in the school system, especially among teachers and administrators.

3. Acknowledge that racial discrimination plays a key role in the high level of Romani children in remedial special schools. Provide anti-racism training programs to persons working in all aspects of the educational system and relevant parts of the health care system.

4. Plan and implement thoroughgoing school reform which provides for child-friendly learning for all pupils, Romani and non-Romani, and aims at the integration of Romani children into the normal school system.

5. Establish a fund to support extra education and training programmes required to compensate for damage caused to Romani children by the Czech school system.

6. Develop schooling programmes for Roma and non-Roma in which proper attention is given to Czech and Romani culture; introduce Romani language, culture and history to Czech school curriculum; introduce successful programmes developed abroad whereby members of the Romani community introduce Romani culture, language and history to school-age children; implement all such programs nationally and not merely in schools attended by Romani children.

7. Provide free integrated kindergarten; in such integrated kindergartens, provide language assistance for Romani pupils.

8. Wherever possible, provide Romani classroom assistants; make readily available to such classroom assistants the possibility of teaching qualification.

9. Design, implement and adequately fund programmes aimed at drastically increasing the number of Romani teachers in the Czech Republic.

10. Design, implement and adequately fund continuing education programmes for teachers to improve skills in teaching in a multi-cultural context.

11. In preparation for the integration of large numbers of Romani children into an open, mainstream and child-friendly system of education, identify pupils for support during the transition period from the present traumatising system and provide such support.

12. End reliance for the purposes of student placement upon all culturally-biased intelligence evaluation measures which have not been adapted for Romani children, and which have not been proven to generate results unaffected by the race or ethnicity of the examiner or the examinee.

13. Adopt civil legislation specifically sanctioning discrimination in the field of education and providing detailed remedies for individuals shown to be the victim of discrimination.

14. Provide accessible public offices where Roma can go to report instances of discrimination; publicise widely the existence of such offices.

15. Provide free legal services in areas heavily populated by Roma; publicise widely the existence of such services.

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15. APPENDICES

APPENDIX 1:
ROMA IN REMEDIAL SPECIAL SCHOOLS IN THE CZECH REPUBLIC, 1972-1990

From Čaněk, David, "Ethnic Minorities in Czech Schools, 1945-1998", London: MacMillan, publication forthcoming. Figures for the years 1980-1983 and 1985-1988 unavailable.

YEAR	ROMANI CHILDREN	ROMANI CHILDREN IN NORMAL BASIC SCHOOLS	RATIO BETWEEN COLUMNS IN SPECIAL SCHOOLS 2 AND 3
1972	12,810	5866	2.18:1
1973	13,272	6445	2.06:1
1974	13,301	6709	1.98:1
1975	14,105	5105	2.76:1
1976	14,076	4829	2.92:1
1977	13,650	5993	2.28:1
1978	13,477	6812	1.98:1
1979	13,254	7792	1.70:1
1984	13,611	12,615	1.08:1
1989	15,483	13,196	1.17:1
1990	15,207	12,444	1.22:1

APPENDIX 2:
ROMANI CHILDREN IN REMEDIAL SPECIAL SCHOOLS IN OSTRAVA

SCHOOL	TOTAL STUDENT BODY	ROMANI PUPILS	%
Kapitana Vajdy	193	31	16.06%
U Haldy	166	27	16.26%
Čkvalovova	191	49	25.65%
Na Vizině	190	110	57.89%
Karasova	156	121	77.56%
Těšinská	159	135	84.9%
Ibsenova	136	128	94.11%
Halasova	169	161	95.26%
TOTAL	1360	762	56.03%

APPENDIX 3:
ROMANI CHILDREN IN BASIC SCHOOLS IN OSTRAVA

The following is a list of 69 of the seventy basic schools in Ostrava, their total and Romani populations.

ADDRESS	TOTAL	ROMANI
A. Hrdličky 1638	690	0
B. Dvorského	891	0
Břesinova 52	559	0
Chrustova 24/1418	382	0
Družební	200	0
Generála Píky	818	0
H. Salichové	395	0
Hlučínská 136	347	0
Horymírova 100	730	0
J. Valčíka 4411	352	0
J. Šoupala 1609	435	0
Jugoslavská 23	723	0
Junácká	934	0
K. Pokorného 1284	424	0
K. Pokorného 1382	550	0
Klégova 27	617	0
Kosmonautů 15	589	0
Krestova 36	674	0
Lumírova 13	318	0
Mitrovická	100	0
Mitušova 8	524	0
MUDr. Lukášové	550	0
Paskovská	396	0
Ostrčilova	707	0
Provaznická 64	484	0
Šeříkova	436	0
Srbská 2	430	0
Staroveská 62/66	54	0
Těsnohlídkova 99	56	0
V Zálomu	805	0
V. Košaře 6	1367	0
Výhledy 210	185	0
Bartovická 59	65	1
Bílovecká	303	1
Bulharská 1532	430	2
Matiční 18	208	2
Mitušova 16	548	2
I. Sekaniny 1804	639	3
Komenského 668	560	3
L. Podeště 1875	335	3
Porubská 832	585	3
Pěší 1	315	4
Ukrajinská 1533	437	4
Kosmonautů 13	625	5
Matiční 5	767	5
F. Formana 45	581	7
G. Klimenta 493	367	8
Gajdošova 9	292	8
Porubská 831	631	8
Volgogradská 6	720	8
Zelená 42	623	8
A. Kučery 20	746	9
Dětská 915	723	9
Kounicova 2	415	10
Mjr. Nováka 34	520	10
Nádražní 117	642	11
U kříže 28	530	11
Bohumínská 72	343	12
Matrosovova 14	264	19
Antošovicka 55	172	24
Vrchlického 5	370	26
Chrjukinova 12	706	29
Rostislavova	334	29
Gen. Janka 1208	711	31
Trnkovecká 55	249	44
L' Št'úra 1085	516	56
Škrobalkova 51	214	69
Gebauerova 8	331	97
Nám. J. z Poděbrad	333	172
TOTAL:	**33,372**	
ROMA:	**753**	

APPENDIX 4:
SURVEY OF RATES OF LEVELS OF MEASURED INTELLIGENCE OF 1403 PUPILS IN 18 REMEDIAL SPECIAL SCHOOLS IN THE CZECH REPUBLIC

Reprinted from Mrštík, PhDr. Václav, "Jací jsou žáci zvláštních škol: Příspěvek do diskuse o indikaci pro vřazování žáků do zvláštní školy", in *Výchovné poradenství*, February 1998, pp.14-19. The study does not provide data according to ethnicity. The mistake in line 8 is retained from the original.

SPECIAL SCHOOL	MENTALLY RETARDED (%)	BORDERLINE (%)	BELOW AVERAGE (%)	AVERAGE (%)	ABOVE AVERAGE (%)
1.	47.5	30.0	12.5	10.0	
2.	47.4	31.6	10.5	10.5	
3.	43.4	50.0	3.3	3.3	
4.	40.3	36.9	14.1	8.7	
5.	37.55	42.3	13.9	6.25	
6.	36.3	51.6	5.5	6.6	
7.	31.4	58.8	3.9	5.9	
8.	26.2	24.8	43.0	6.2	
9.	25.3	48.4	12.6	12.6	1.1
10.	25.3	48.2	19.3	7.2	
11.	24.1	16.7	29.6	29.6	
12.	21.0	35.8	27.2	14.8	1.2
13.	19.4	37.7	36.4	6.5	
14.	16.5	45.4	34.0	4.1	
15.	16.2	35.5	41.9	6.4	
16.	12.5	50.0	37.5		
17.	6.8	38.6	27.3	27.3	
18.	3.0	42.4	40.3	14.3	

APPENDIX 5:
GOVERNMENT RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE CZECH COUNCIL OF NATIONALITIES, OCTOBER 1997

Resolution
of the Government of the Czech Republic of 29 October, 1997, No. 686
on the Report on the situation of the Romani community in the Czech Republic and on the present situation in the Romani community

The Government

I. Takes note of the Report on the situation of the Romani community in the Czech Republic contained in the submitted materials;
II. Approves the Statement on the present situation in the Romani community annexed to the present Resolution;
III. Instructs

1. The Minister of Education, Youth and Sports

a) to widen the network of preparatory classes within the primary education system for pupils with linguistically and socioculturally disadvantaged backgrounds;
b) to ensure an enhanced flow of information to schools at all levels on the available specialized literature concerning issues of multicultural society and education for tolerance;
c) in authorizing exemptions to the minimum number of pupils per class, to apply the procedures used for national minority classes to classes with children from Romani families;
d) to put at the disposal of the schools the project "Modification of the education program for the specific needs of Romani children" together with methodical instructions and to regularly evaluate its implementation;
e) to prepare new materials for testing used in transferring children to special schools and to take greater account of the specific characteristics of Romani children, in order to limit the hitherto prevailing practice in which Romani children have too often been transferred to special schools without conclusive evidence of their intellectual and learning capacity;

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f) to ensure the conditions (including financial conditions) for the implementation of the experimental project for step-by-step training of Romani advisors and, after evaluating the project, to develop a concept for this type of training together with the Minister of Labor and Social Affairs, Minister of the Interior, Research Institute of Vocational Education in Prague and the authority responsible for the project;
g) in cooperation with the Minister of Labor and Social Affairs to determine the qualifications required for the position of "Romani pedagogical assistant";
h) in the "education" chapter of the state budget for the year 1998, to earmark funds totaling 2,268,000 CZKfor the wages of at least 20 Romani pedagogical assistants;
i) to ensure the offer of continuing education on national and ethnic minority issues within the system of continuing education of pedagogical workers;
j) to appoint a Ministry coordinator responsible for national minority education;
k) in cooperation with the representatives of the Romani community, to ensure that Romani children with a talent for music, dance or other forms of art are placed in primary art schools so that these children may have an opportunity to develop their talent and meet the requirements for admission to secondary art schools.

Deadline: h) – immediately, d), e), f), g), j) – before 31 December 1997; other items continuously.

2. The Minister of Labor and Social Affairs

a) to cooperate with the Minister of Education, Youth and Sports in determining the qualifications required for the position of "Romani pedagogical assistant";
b) to codify the position of Romani assistant and Romani advisor in the catalog of job duties and catalog of professions;
c) to continuously cooperate with the Minister of Education, Youth and Sports and with the Minister of the Interior on the project of step-by-step training of Romani advisors;
d) to provide long-term funding for the re-qualification course run by the Academy of Social Law for the positions of Romani assistant and Romani advisor according to the project of the responsible authority;
e) to develop a system of incentives encouraging employers to employ persons who have problems in entering the work force and persons of Romani origin;
f) at the level of District Offices in the regions with a higher concentration of unemployed persons of Romani origin, to create conditions for the appointment of

persons from the Romani community to the posts of social assistants who would assist in solving the relevant problems;

Deadline: a), b), e) before 31 December 1997, other items continuously

3. The Minister of the Interior

a) to prepare methodical instructions for the state administration authorities within his jurisdiction providing job descriptions of Romani assistant and Romani advisor;
b) in cooperation with the Minister of Education, Youth and Sports and with the Minister of labor and Social Affairs, to create conditions for the implementation of the project for step-by-step training of Romani advisors;
c) to create within the District Office system the positions of Romani assistant and Romani advisor;
d) in evaluating candidates for employment with the Police of the Czech Republic, to consistently examine their tendency towards prejudice, namely racial prejudice, and to reject any candidate with a tendency towards manifestations of racism;
e) to ensure for Romani candidates maximum access to study at secondary police schools, provided that such candidates meet the conditions for employment with the Police of the Czech Republic; to ensure for such candidates a preparatory course for study at these schools;
f) to monitor civic associations in order to determine whether any of them engage in activities promoting racial intolerance, fascism and national intolerance, and, if so, call on them to terminate the activity, and, if an association continues the activity, to dissolve it;
g) to release from the comprehensive program for cooperation in crime prevention and prevention of drug abuse at the local level, according to the current needs, funds for complementary programs designed for the Romani community.

Deadline: a), c) before 31 December 1997, other items continuously

4. The Minister of Culture

a) within the framework of the Ministry's grant-making policy for civic associations of persons belonging to national minorities, to continuously pay due regard to the specific needs of Romani activities in the area of education, culture and cultural education, of

periodicals and non-periodical publications, of receiving and disseminating information in the public media;

b) to ensure the cooperation of experts in developing the Museum of Romani Culture in Brno and, insofar as the budget permits, to participate in the funding of its work;

c) to allocate in the chapter of the Ministry of Culture in the draft state budget for the year 1999 funds totaling 15,000,000 CZK for the second stage of reconstruction of the building intended to house the Museum of Romani Culture in Brno.

Deadline: b) before 31 December 1997, other items continuously

5. The Minister of Industry and Trade

a) in cooperation with the Czech Trade Inspection, to consistently enforce Law No. 534/1992 Coll. on consumer protection, as amended, namely Section 6, using the possibility to impose fines on any entrepreneur who refuses to serve citizens only because they belong to the Romani minority;

b) to widen the support for projects designed to encourage employment of persons who have problems entering the work force within the framework of the Support for Small and Medium-Sized firms, which has up to now been limited to the SPECIAL complementary program.

Deadline: continuously

6. The Deputy Prime Ministers and Ministers of Agriculture and of the Environment, in cooperation with the Minister of Labor and Social Affairs and with the representatives of Romani organizations, to seek opportunities for the participation of firms employing Romani citizens in procurement within the jursidictions of their respective ministries (e.g. contracts for maintenance of watercourses within the responsibility of the State Melioration Administration and Forests of the Czech Republic).

Deadline: continuously

7. The Minister of Defense

a) to prepare an analysis of the basic military service of persons belonging to the Romani community with regard to their attitude to the service, with regard to mutual relations with persons belonging to the majority population and with regard to their possible functions in the service of the Army of the Czech Republic;
b) during the basic military service, to promote the acquisition/improvement of professional qualifications by members of the Romani community.

Deadline: a) before 31 December 1997, b) continuously

8. The Minister of Justice to monitor the development of crime with racial context and keep the Government regularly informed about the development of such crime.

Deadline: continuously

9. The Minister for Regional Development

a) to analyze the experience gained to date with various types of housing for the Romani community with respect to the suitability of such housing for the life of Romani citizens, their awareness of belonging to the environment and the subsequent care for it; to evaluate this experience from the social, technical and financial viewpoints with regard to the disposition and needs of the Romani community and submit the evaluation to the Inter-ministerial Commission for the Affairs of the Romani Community;
b) to support housing development projects; local Romani organizations and firms should participate in the implementation of the projects and in decisions on the allocation of new apartments;
c) to prepare methodical instructions on area planning at the municipal level with due regard to the social and cultural conditions of local population.

Deadline: a), c) before 31 December 1997, b) continuously

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10. The Minister of Health to chart the needs of the Romani population in the Czech Republic for any specific health care and to propose organizational and preventive measures.

Deadline: 30 June, 1998

11. The Minister without Portfolio

a) to monitor the fulfillment of the tasks set forth in this Resolution and to direct the work of the Inter-ministerial commission for the Affairs of the Romani community accordingly;
b) to report to the Government on the fulfillment of the tasks set forth in this Resolution.

Deadline: a) continuously, b) before 30 June, 1998

12. The Heads of District Offices

a) in solving the current problems of the Romani community at the local level, to meet with the representatives of Romani activities and to jointly seek solutions;
b) to create conditions ensuring that internships of persons participating in the program for step-by-step training of Romani advisors in the relevant state administration offices begin in December 1997;
c) to establish, within their respective jurisdictions, the positions of Romani advisors;
d) to analyze the situation of children and minors in alternative family care (children's homes, children's diagnostic institutes, children's educational institutions, infants' homes) in respect of the legality of their stay in the Czech republic and to ensure that the persons leaving such institutions are furnished with a proper certificate of citizenship or permanent residence in the Czech Republic;
e) the head of the District Office in Písek, to request the Municipal Office at Lety to declare the cemetery of the former Gypsy concentration camp and the memorial at Lety (Písek district) a revered site by a decree issued in line with the authority under Section 14, paragraph 1 (i) of Law No. 410/1992 Coll, on municipalities.

Deadline: a), e) immediately, other items before 31 December 1997;

IV. Recommends the Mayor of the capital city of Prague and the Mayors of Brno, Ostrava and Pilsen to create, within their respective jurisdictions, conditions ensuring that internships of persons participating in the program for step-by-step training of Romani advisors in the relevant state administration offices begin in December 1997 and to create the position of Romani advisor.

To be carried out by:
the Ministers of Education, Youth and Sports,
Labor and Social Affairs, the Interior, Culture,
Industry and Trade, Defense, Regional Development, Health
Minister without Portfolio,
Minister of Justice,
Deputy Prime Ministers and Ministers
of Agriculture and the Environment,
Heads of District Offices and
Mayors of Brno, Ostrava, Pilsen,
Mayor of the capital city of Prague

/s/
Prime Minister
prof. Ing. Václav Klaus, CSc.

APPENDIX
TO GOVERNMENT RESOLUTION
NO. 686 OF 29 OCTOBER, 1997

Government declaration on the present situation in the Romani community

1. The Government declares that it is alarmed by the departure of some of our fellow citizens and their requests for political asylum abroad and is firmly resolved to address the causes leading to this.
2. The Government views the Romani community as a natural component of our society, it recognizes and fully respects Romani culture and its contribution to the whole country.
3. The Government will do everything in its power to ensure that nobody in our country has any fear for reasons of belonging to any minority community. The economic reasons are solvable in the home country and do not justify requests for political asylum.
4. The Government calls upon the Roma and influential representatives of Romani organizations.
   - not to leave;
   - to enter into constructive cooperation with the Government;
   - to promptly nominate their representatives to the Inter-ministerial Commission for the Affairs of the Romani community;
   - to participate in the implementation of existing Government measures and of measures which the government has approved today and which concern most members of the Government and all heads of District Offices;
5. At the same time the Government calls upon all citizens of the Czech Republic to do as much as possible for improving the feelings of our Romani fellow citizens and thus help free the country from the feeling of mutual mistrust, undervaluing, accusation or discrimination on racial grounds.
6. The Government instructs its individual members
   - to begin quickly implementing of the measures adopted today;
   - in the coming days, to begin discussions with Romani organizations, successively at all individual relevant ministries and to acquaint themselves with the existing unfavorable situation "on the ground."
7. The Government is aware that this is a problem for many decades or even centuries, and therefore it also knows that the problem cannot be solved overnight. It believes that the measures adopted today will accelerate the necessary positive solutions.

/s/ Václav Klaus
29 October 1997

16. O EVROPUTNO ROMANE ČAČIPENGO CENTRO (ERRC) DEL AVRI REPORTO PE E ROMANE ČAVENGI SEGREGACIA, SAVE PHIREN ANDE DILENGI-BENGENGI ŠKOLA AND-I ČEHIA

And-i Čehia i sistema sar sikljaren si segregativno, kodoleske si e romenge avriphandipe, seperacia. I sistema na mukhel chi e romane šavenge te keren kontakto e gadženge šavenca. Sostar si kado, ke si špecialne školi *(zvláštní školy)* – školi kaj dile-bange phiren. But romane šaven šuven and-e kasave školi, soske von na žanen mišto and-e gadžengi normalne školi sar e gadže žanen, thaj e gadžikane školengi bjurovura, šerutne si rasistura, na kamen e romen. Ande but šeliberša kerde sas diskriminacia e gadžikane šerutne kontra e Roma. Kadaleski si Roma kon šuven penge šave andi dilengi-bangengi škola, ili si kasave Roma val gadže kon khote kamen te šuvaven e šaven. O manuš xores te dikhela, atunchi šaj žanel, ke e romen 15var feder šuven and-e špecialne školi – kaj e dilen, na normalne šaven phiraven – sar e gadžen. Jekh studento – o manuš, kon sityol and-i majangluni škola –, savo agorisarel and-i jekh špecialni škola – kaj e dile-bile-bange phiren – naštig te žal and-e but maškarutne školi, kaj o manuš, kon and-i gadžengi škola agordel, šaj žal, les majbari šajipe si. Kadaleske e romane šavenge naj šajipe and-o lengo trajo, thaj na pačan ande pende. E romengi segregacia and-e telutne škooli mukhel e gadženge, del i legitimacia/čačipe te keren diskriminacia kontra e Roma.

And-o reporto e avutne temi isi: anglunes e romengi historia and-i Čehia si mothovdi and-e duj-trin lava, pala kodo xores sikaven e problemi, kaj but-but romane šaven šuven and-e špecialne školi, kaj e dile-bangephiren. Pala kodo o reporto phenel, so molel kodo, sar sityaren and-e špecialne školi, mothol e nasulipe and-i sistema. E avutne kotora si šinde ande trin bare kotora so sikaven: sar šingren o čačipe e romane šavengo and-e špecialne školi; o rasiymo so si and-e normalne školengi sistema, sar azban e romane šaven odothe, thaj sikavel vi kodo, sar naštig šiven khanikas and-i normalni škola andar jekh špecialne škola, kana aba varekon khate phirel, khote sityol. Pala kado o reporto dikhel soske dikhipe azban e manušikane čačipengi situacia e romengi and-i Čehia, so khetane phiren i sistemasa sar khote sitzaren, majanglunes: i resipe e zakoneske ando 1992 pe Themutnipe pe romengi edukativne čačipe – soske šašipe si e romenge and-o sityarimaski sistema; o kabineto naštig das e romenge selikanengo sityaripe, thaj o podo so khetane phandel i diskriminacia e nasilipesa and-o sikljarimaski sistema, hem e romengo šajipe, kaj si vi len aver čačipe and-i Čehia. Agoreste o reporto del propazicii, kamel te del vast e kabinetoske and-i Čehia.

The *European Roma Rights Center (ERRC)* is an international public interest law organisation which monitors the situation of Roma in Europe and provides legal defence to victims of human rights violations. Roma (Gypsies) remain to date the most deprived ethnic group of Europe. Everywhere, their fundamental rights are threatened. Disturbing cases of racist violence targeting Roma have occurred in recent years. Discrimination against Roma in employment, education, health care, and other fields is common in many societies. Hate speech against Roma deepens the negative stereotypes which pervade European public opinion.

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